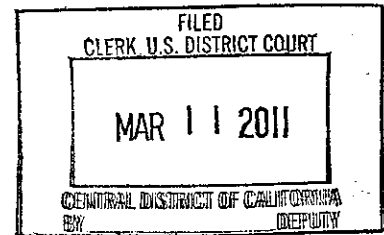


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6 Attorneys for Defendant
7 PLAYBOY ENTERPRISES INTERNATIONAL, INC.

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 DAVID LONG, JR., an individual
13 suing on behalf of himself, all those
14 similarly situated and the general
public,

15 Plaintiffs,

16 vs.

17 PLAYBOY ENTERPRISES
18 INTERNATIONAL, INC. and DOES
1 through 500,

19 Defendants.
20
21
22
23
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25
26
27
28

Case No. **CV11-02128** AHM (AJW)

**DEFENDANT'S NOTICE OF
REMOVAL OF CLASS ACTION
COMPLAINT; DECLARATION OF
HOWARD SHAPIRO IN SUPPORT
THEREOF**

Action Filed: January 31, 2011

COPY

1 TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE
2 CENTRAL DISTRICT OF CALIFORNIA:

3 Pursuant to 28 U.S.C. Sections 1332, 1441, 1446, and 1453, Defendant
4 Playboy Enterprises International, Inc. ("Defendant") files this Notice of Removal
5 of this action from the Superior Court of the State of California for the County of
6 Los Angeles, in which it is now pending, to the United States District Court for the
7 Central District of California. As the basis for removal, Defendant represents that:

8 1. Plaintiff David Long, Jr. ("Plaintiff") commenced this class action on
9 January 31, 2011 (the "State Court Action") against Defendant in the Los Angeles
10 Superior Court, bearing case number BC 454001 for: (1) Violation of the Unruh
11 Civil Rights Act; (2) Violation of the Civil Code § 51.5; (3) Violation of the Gender
12 Tax Repeal Act of 1995; (4) Unfair, Deceptive and Unlawful Business Practices –
13 Unruh Act Violations; (5) Unfair, Deceptive and Unlawful Business Practices –
14 Civil Code § 51.5; (6) Unfair, Deceptive and Unlawful Business Practices – Gender
15 Tax Repeal Act Violations; (7) Unfair, Deceptive and Unlawful Business Practices
16 – Unlawful Contract; (8) Unfair, Deceptive and Unlawful Business Practices –
17 Unconscionable Contract; (9) Negligent Hire, Supervision and Retention.

18 2. Plaintiff filed a First Amended Complaint ("FAC") in the State Court
19 Action on February 24, 2011 for: (1) Violation of the Unruh Civil Rights Act; (2)
20 Violation of the Civil Code § 51.5; (3) Violation of the Gender Tax Repeal Act of
21 1995; (4) Unfair, Deceptive and Unlawful Business Practices – Unruh Act
22 Violations; (5) Unfair, Deceptive and Unlawful Business Practices – Civil Code §
23 51.5; (6) Unfair, Deceptive and Unlawful Business Practices – Gender Tax Repeal
24 Act Violations.

25 3. In his FAC, Plaintiff asserts, on his own behalf and on behalf of a
26 putative class of "California males," claims arising out of a certain charitable event
27 known as the "White Party" that Plaintiff alleges occurred at the Playboy Mansion
28 in Los Angeles on May 23, 2009 and other, similar events that occurred on

1 unknown dates, where males allegedly were charged more for admission to the
 2 event than females, in violation of the Cal. Unruh Act, Cal. Civil Code §§ 51 *et seq.*
 3 Plaintiff further alleges that Defendant, in allowing such events to occur at the
 4 Playboy Mansion, engaged in unfair, deceptive, or unlawful business practices in
 5 violation of Cal. Bus. & Prof. Code § 17200.

6 4. A copy of the Summons, Complaint, Notice of Related Case and Civil
 7 Case Cover Sheet are attached collectively hereto as Exhibit "A" and incorporated
 8 by reference. A copy of the proof of service of summons is attached as Exhibit "B"
 9 and incorporated by reference. A copy of a Court Order dated February 8, 2011 and
 10 proof of service is attached as Exhibit "C" and incorporated by reference. A copy
 11 of the Summons, First Amended Complaint, Notice of Related Case and Civil Case
 12 Cover Sheet on the First Amended Complaint are attached collectively as Exhibit
 13 "D" and incorporated by reference. A copy of Defendant's Answer to the First
 14 Amended Complaint is attached as Exhibit "E" and incorporated by reference. A
 15 copy of Defendant's Response and Objections to Plaintiff's Notice of Related Case
 16 is attached as Exhibit "F" and incorporated by reference. A copy of Defendant's
 17 Request for Judicial Notice in Support of Defendant's Response and Objections to
 18 Plaintiff's Notice of Related Case is attached as Exhibit "G" and incorporated by
 19 reference. There have been no further proceedings filed in the Los Angeles Superior
 20 Court as of the date of this removal.

21 5. The Los Angeles Superior Court (where this action was originally
 22 filed) is located within the jurisdiction of the United States District Court for the
 23 Central District of California.

24 6. This removal is timely pursuant to 28 U.S.C. §§ 1446 and 1453
 25 because not more than 30 days have passed since Defendant received service of
 26 Plaintiff's original Summons and Complaint. Service on Defendant of the original
 27 summons and complaint was made by personal service on February 10, 2011. *See*
 28 *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).

7. Defendant PEII is the only defendant named in the state court action. Defendant is not aware of the existence of, or service on, any "Doe" defendant; consequently, no further consent to removal is required. *See Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1193 n.1 (9th Cir. 1988).

8. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. §§ 1332(a) and 1332(d), and is one that may be removed to this Court under 28 U.S.C. § 1441. Because the state court action is pending in the Los Angeles Superior Court, removal of the state court action to this District Court is proper under 28 U.S.C. sections 1391(a) and 1446(a).

9. Pursuant to 28 U.S.C. Section 1332(d)(2), this District Court has original jurisdiction over this civil action as the matter in controversy exceeds the sum or value of \$5 million, exclusive of interest and costs, and is a putative class action comprised of at least 100 members in which any member of the class of plaintiffs is a citizen of a state different from any defendant.

10. Plaintiff alleges in the FAC that he is suing on behalf of all "California males who were denied equal pricing for the Gender-Based Pricing Promotion whether to the White Party or any other similar event hosted at the Playboy Mansion." Plaintiff further alleges that he is a "male California resident over the age of 21." *See* FAC ¶ 7, 8. On information and belief, Plaintiff is a citizen of the State of California.

11. Defendant PEII is incorporated under the laws of the State of Delaware, with its principal place of business in Chicago, Illinois. *See* Declaration of Howard Shapiro ("Shapiro Declaration"), at ¶ 3. In addition, PEII has at all times maintained its headquarters and corporate offices at 680 N. Lake Shore Drive, 15th Floor, in Chicago, Illinois. *Id.* Most of PEII's management-level executives maintain offices in Chicago, including PEII's Chief Executive Officer, Chief Financial Officer and General Counsel. *Id.* All of PEII's corporate decisions are made through PEII's Chicago headquarters, and its executive, Human Resources,

1 accounting, Licensing Group, Payroll and administrative staff are all located there.
 2 *Id.* As such, there is complete diversity between Plaintiff, on the one hand, and
 3 Defendant, on the other hand.

4 12. Plaintiff's counsel, Eric Jenkins, states in a letter to Howard Shapiro,
 5 PEII's Vice President and General Counsel, dated February 16, 2011, that between
 6 250 and 1,000 men attended the May 29, 2009 White Party event *See* Exhibit "A"
 7 to Shapiro Declaration. Therefore, according to Plaintiff's own estimates, the
 8 putative class is at least 100 members.

9 13. Defendant denies Plaintiff's allegations regarding PEII's liability and
 10 will vigorously oppose certification of the putative class. However, for the
 11 purposes of establishing the jurisdictional predicates for removal, Defendant
 12 alleges, on information and belief, that the aggregated amount in controversy in this
 13 action exceeds \$5 million, exclusive of interest and costs.

14 14. *First*, Plaintiff's counsel alleges in his letter dated February 16, 2011,
 15 that "Playboy is liable for damages between \$1,000,000 and \$4,000,000 for this
 16 event alone." *See* Exhibit "A" to Shapiro Declaration. Jenkins also states that they
 17 have asked "the court to certify a class of men for every similar event hosted at the
 18 Playboy mansion over the past three years." *See id.* Therefore, even if only one
 19 additional similar event was hosted at the Playboy mansion and is included as part
 20 of this lawsuit, the amount of potential damages would exceed the statutory amount
 21 in controversy threshold of \$5,000,000.

22 15. *Second*, in the FAC, Plaintiff seeks compensatory damages in an
 23 unknown amount, including without limitation statutory penalties, penalties,
 24 restitution, and exemplary damages. *See* FAC ¶¶ 31, 37, & 43 as well as the prayer
 25 for relief. Plaintiff also seeks injunctive relief and reimbursement of costs.

26 16. *Third*, the aggregate amount in controversy totals at least \$5 million,
 27 does not include additional statutory penalties and attorneys' fees to which Plaintiff
 28 asserts in the Complaint he is entitled, all of which must be included in calculating

1 the amount in controversy for purposes of removal. *See* 28 U.S.C. § 1332(d)(2).
 2 On information and belief, Defendant alleges that Plaintiff's attorneys' fees in this
 3 class action likely will exceed \$100,000. *See also St. Paul Reinsurance Co. v.*
 4 *Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998) (statutory penalties may be
 5 included in jurisdictional amounts); *Goldberg v. CPC Int'l, Inc.*, 678 F.2d 1365,
 6 1367 (9th Cir. 1992) (plaintiffs' pro rata share of statutory attorneys' fees included
 7 in jurisdictional amount). Thus, the amount in controversy threshold of \$5 million
 8 is satisfied.

9 17. As there is complete diversity of citizenship and the amount in
 10 controversy exceeds \$5,000,000, this Court has subject matter jurisdiction over this
 11 matter pursuant to 28 U.S.C. § 1332(a). Thus, for this reason too, this action is
 12 removable under 28 U.S.C. § 1441.

13 18. Defendant certifies that written notice of the filing of this Notice of
 14 Removal will be promptly given to Plaintiff and to the Clerk of Court of Los
 15 Angeles Superior Court.

16 WHEREFORE, Defendant prays that the above-described civil action be
 17 removed from the Superior Court of the State of California for the County of Los
 18 Angeles to the United States District Court for the Central District of California.

19
 20 DATED: March 11, 2011

DAVIS WRIGHT TREMAINE LLP
 John P. LeCrone
 Camilo Echavarria

21
 22
 23 By: John P. LeCrone / MNS
 24 John P. LeCrone

25 Attorneys for Defendants
 26 PLAYBOY ENTERPRISES
 27 INTERNATIONAL, INC.
 28

EXHIBIT A

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: PLAYBOY ENTERPRISES INTERNATIONAL,
(AVISO AL DEMANDADO): INC. AND DOES 1 THROUGH 500.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Los Angeles Superior Court

JAN 31 2011

John A. Clarke, Executive Officer/Clerk
By Dorothy Swain, Deputy
DOROTHY SWAIN

YOU ARE BEING SUED BY PLAINTIFF: DAVID LONG, JR. an individual
(LO ESTÁ DEMANDANDO EL DEMANDANTE): suing on behalf of
himself all those similarly situated and the
general public.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

111 NORTH HILL STREET
LOS ANGELES, CA 90012

CASE NUMBER:
(Número del Caso):

B: C454001

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Erik C. Jenkins (Bar No. 188264)

858-450-4050

FULLER JENKINS

11975 El Camino Real, Suite 200

San Diego, CA 92130

DATE: JAN 31 2011

(Fecha)

John A. Clarke

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

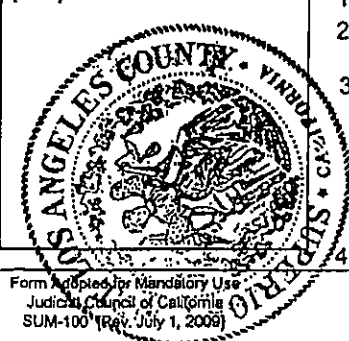
NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): PLAYBOY ENTERPRISES INTERNATIONAL, INC.

under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

[SEAL]



SUMMONS

Legal
Solutions
& Plus

Page 1 of 1
Code of Civil Procedure §§ 412.20, 465

1 Craig D. Fuller (Bar No. 158482)
 2 Erik C. Jenkins (Bar No. 188264)
 3 **FULLER JENKINS**
 4 11975 El Camino Real, Suite 200
 5 San Diego, CA 92130
 6 Telephone: (858) 450-4050
 7 Fax: (858) 450-4051

8 Attorneys for Plaintiff

FILED
 Los Angeles Superior Court

JAN 31 2011

John A. Clarke, Executive Officer/Clerk
 By *[Signature]* Deputy
 DOROTHY SWAIN

*AB005
 92012
 complex*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES, CENTRAL DIVISION**

BC454001

10 DAVID LONG, JR., an individual suing on
 11 behalf of himself, all those similarly situated
 12 and the general public,

13 Plaintiff,

14 v.

15 **PLAYBOY ENTERPRISES**
 16 **INTERNATIONAL, INC. and DOES 1**
 17 **through 500.**

18 Defendants.

Case No.

CLASS AND REPRESENTATIVE ACTION

**COMPLAINT FOR INJUNCTIVE RELIEF
 AND DAMAGES RE:**

1. Violation of the Unruh Civil Rights Act;
2. Violation of Civil Code § 51.5;
3. Violation of the Gender Tax Repeal Act of 1995;
4. Unfair, Deceptive or Unlawful Business Practices – Unruh Act Violations;
5. Unfair, Deceptive or Unlawful Business Practices – Civil Code § 51.5 Violations;
6. Unfair, Deceptive and Unlawful Business Practices – Gender Tax Repeal Act Violations;
7. Unfair, Deceptive and Unlawful Business Practices – Unlawful Contract;
8. Unfair, Deceptive and Unlawful Business Practices – Unconscionable Contract;
9. Negligent Hire, Supervision and Retention.

UNLIMITED JURISDICTION

RECEIVED
 CASE: BC454001 LEA/DEF#:
 RECEIPT #: ECH18782039
 DATE PAID: 01/31/11 03:23:12 PM
 PAYMENT: \$395.00 0310
 CHECK: 395.00
 CASH:
 CHARGE:
 CARD:
 CHECK: 550.00
 CASH:
 CHARGE:
 CARD:
 PAID 01/31/11 03:24:21 PM 0310
 ECH18782040

1 Plaintiff DAVID LONG, JR., individually and on behalf of the classes described herein and
 2 on behalf of the general public, complains with regard to defendants PLAYBOY ENTERPRISES
 3 INTERNATIONAL, INC., and DOES 1 through 500, and each of them, as follows:

4 **NATURE AND BASIS OF ACTION**

5 1. Arbitrary discrimination premised on suspect classifications is abhorrent to a free
 6 and open society. In recognition of this, the California Legislature has enacted numerous laws to
 7 ensure that all persons in California are treated with respect and dignity irrespective of such
 8 immutable characteristics as gender, color, culture or ancestry. The primary anti-discrimination law
 9 in California is the Unruh Civil Rights Act, codified in Civil Code section 51 et seq. Under the Act,
 10 businesses are prohibited from discriminating in housing and public accommodations on the basis of
 11 sex, race, color, religion, ancestry, national origin, disability or medical condition.

12 2. Similarly, the Gender Tax Repeal Act of 1995, codified in Civil Code section 51.6 et
 13 seq., prohibits businesses from employing discriminatory differential pricing with regard to services
 14 on the basis of gender. This Act reinforces the statewide policy of non-discrimination articulated
 15 under the Unruh Civil Rights Act, but is confined to acts of discrimination premised on gender
 16 exclusively.

17 3. The scope of the Unruh Civil Rights Act and the Gender Tax Repeal Act is broad,
 18 and the Legislature has imposed a remedial scheme pursuant to which violators are dealt with
 19 severely. Penalties include the assessment of mandatory-minimum statutory damages and the award
 20 of attorneys' fees. Moreover, each and every discriminatory offense constitutes a violation of both
 21 Acts and may further form the basis for an independent cause of action for, among other things,
 22 unlawful or unfair business practices under the Unfair Competition Law codified at Business &
 23 Professions Code section 17200 et seq. Parties liable under either the Unruh Civil Rights Act or the
 24 Gender Tax Repeal Act include not only the principal party involved in the discrimination, but those
 25 who aide or incite the discriminatory practices as well.

26 4. This class action arises as a result of Defendants' intentional acts of discrimination
 27 against men who were denied equal pricing for the purchase of an admission ticket for events held at
 28 the Playboy Mansion, a property owned by PLAYBOY ENTERPRISES INTERNATIONAL, INC.

1 and known around the world as the symbol of Playboy, as famous as the Playboy bunny. The
 2 Playboy Mansion has been used consistently for events which were marketed to the general public in
 3 California. Consistently, these events were priced with men paying a greater ticket price than
 4 women. In particular, Plaintiff DAVID LONG, JR. attended an event known as the third annual
 5 "White Party at the Playboy Mansion," which occurred on or about May 23, 2009 (hereinafter
 6 alternatively referred to as "White Party" or the "Gender-Based Pricing Promotion") and which
 7 Gender-Based Pricing Promotion was widely advertised over the internet and other media at least
 8 several months prior to the White Party event. **During the Gender-Based Pricing Promotion,**
 9 **female customers were offered a free or reduced price admission as long as they abided by the**
 10 **terms and conditions of the promotion.'** The Men's Class, more specifically identified below,
 11 were required to pay at least \$625 to attend the White Party event. This pricing is detailed on
 12 the "purchase" page of the White Party website, a true and correct printout of which is attached
 13 hereto as Exhibit "A".

14 5. With regard to the male customer-attendees of White Party, the effect of this
 15 unlawful conduct of advertising and conducting a Gender-Based Pricing Promotion, has been to
 16 deny Plaintiff, the putative class members and the general public, equal treatment under the law by
 17 requiring them to expend thousands of dollars more for the same, or essentially the same, services,
 18 entertainment and products offered to the female attendees of White Party, thereby promoting
 19 harmful negative stereotypes contrary to California public policy as articulated by the California
 20 Supreme Court in *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 37 and its progeny, and further
 21 articulated by the California Legislature in the legislative history of Civil Code sections 51, 51.5 and
 22 51.6.

23 6. This unlawful conduct has additionally allowed Defendants to gain an unfair
 24 advantage over its similarly-situated competitors who have lost business and goodwill to Defendants
 25 as a direct consequence of this Gender-Based Pricing Promotion. Defendants' sharp pricing
 26 practices have therefore substantially harmed competition in the relevant industry.

27
 28 ¹ Promoters issued complimentary tickets to "gorgeous ladies only" via various online promotions and advertisements. Other, presumably less attractive women were charged \$350.00.

7. These claims are prosecuted by a single class, the "Men's Class." This class is comprised of California males who were denied equal pricing for the Gender-Based Pricing Promotion whether to the White Party or any other similar event hosted at the Playboy Mansion. By this action, brought pursuant to the theories and principles asserted herein, Plaintiff seeks redress for these wrongs on behalf of himself, all others similarly situated and on behalf of the general public.

PARTIES

8. Plaintiff DAVID LONG, JR. is a male California resident over the age of 21, who was denied equal pricing for the above-referenced Gender-Based Pricing Promotion and, as a result, paid more to attend the White Party than the event's female attendees.

9. Plaintiff Long is suing in his individual capacity, on behalf of the general public and is a member and proposed Class Representative of the Men's Class.

10. At all relevant times alleged herein, defendant PLAYBOY ENTERPRISES INTERNATIONAL, INC. was a California corporation doing business in California pursuant to a certificate of qualification issued it by the Secretary of State as provided by Corporations Code section 100 et seq.

11. Does 1 through 500, inclusive, are sued herein under fictitious names. Their true names and capacities, whether individual, corporate or otherwise, are unknown to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this complaint by inserting their true names and capacities. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages were proximately caused by those Defendants. Each reference in this complaint to "Defendant," "Defendants" or the specifically named Defendant refers also to all Defendants sued under fictitious names.

12. Defendants, and each of them, either participated directly in the gender-based pricing promotion described herein or aided and incited discriminatory practices in violation of Civil Code section 52 (a) and other code sections cited herein by assisting in the promotion of the gender-based pricing promotion and/or sponsoring the gender-based pricing promotion through activities including advertising.

1 13. Unless otherwise alleged, whenever reference is made in this complaint to any act of
 2 "Defendant," "Defendants" or the specifically named Defendant, such allegation shall mean that
 3 each Defendant acted individually and jointly with the other Defendants.

4 14. Unless otherwise alleged, whenever reference is made in this complaint to any act or
 5 omission of any corporate or business Defendant, such allegation shall mean that such corporation or
 6 other business Defendant did the acts or omissions alleged in this complaint through its officers,
 7 directors, employees, agents, and/or representatives while they were acting within the actual or
 8 apparent scope of their authority.

9 15. At all relevant times alleged herein, each of the Defendants has acted as an agent,
 10 representative, or employee of each of the other Defendants and has acted within the course and
 11 scope of said agency or representation.

12 JURISDICTION AND VENUE

13 16. This Court has jurisdiction to preside over this matter pursuant to Article VI, section
 14 10 of the California Constitution because this action is a cause not given by statute to other trial
 15 courts. Jurisdiction is further premised on, *inter alia*, the California Unfair Competition Law (Bus.
 16 & Prof. Code, § 17200 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), the Gender Tax
 17 Repeal Act of 1995 (Civ. Code, § 51.6), Civil Code section 51.5 and Code of Civil Procedure section
 18 382.

19 17. This Court has jurisdiction over the Defendants in this action in that all Defendants
 20 are qualified with the California Secretary of State to do business in the State of California; or
 21 because they do sufficient business in California; or because they otherwise have sufficient
 22 minimum contacts in California to render the exercise of jurisdiction over them by California courts
 23 consistent with traditional notions of fair play and substantial justice.

24 18. Plaintiff is informed and believes, and on that basis alleges, that venue is proper in
 25 this particular Court because:

- 26 a) Plaintiff was denied equal pricing for Defendants' Gender-Based Pricing Promotion
 27 while he was located in Los Angeles County, California; and
 28 b) Upon information and belief, defendant PLAYBOY ENTERPRISES INTERNATIONAL,

1 INC's Articles of Incorporation and/or other relevant documents files with the California
 2 Secretary of State list a physical address in Los Angeles County, California thereby rendering
 3 them subject to being hailed into court in Los Angeles County; and

- 4 c) All defendants have engaged in business activities in the State of California, County of Los
 5 Angeles, as alleged herein, that render them subject to being hailed into court in Los Angeles
 6 County.

7 CLASS ALLEGATIONS

8 19. This class action is filed under the provisions of California Code of Civil Procedure
 9 section 382, which provides that a class action may be brought when the question is one of common
 10 interest to many persons, or when the number of persons is numerous and it is impracticable to bring
 11 them all before the court. This action is properly maintained as a class action for the reasons set
 12 forth below.

13 MEN'S CLASS

14 20. Plaintiff DAVID LONG, JR. is a proposed representative of the Men's Class, which
 15 is an ascertainable class of California males who, on the basis of their gender, were made to pay
 16 more than their female counterparts for admission or other services at the White Party and other
 17 similar events hosted at the Playboy Mansion.

18 21. The Men's Class for whose benefit this action is brought consists of all male
 19 attendees of the White Party event and other similar events hosted at the Playboy Mansion, whose
 20 claims, except as to amount of damages, are otherwise identical, and whose repetitive testimony at
 21 trial would be impracticable, unnecessary, and an inefficient use of judicial resources.

22 22. Specific to those putative class members who attended White Party, Plaintiff Long
 23 witnessed dozens of male attendees, making this case suitable for class treatment. The large list of
 24 absent members of the Men's Class is within the exclusive possession and control of Defendants,
 25 and is not now known to Plaintiff, although the list may be readily obtained using statutory
 26 discovery procedures.

27 23. There are questions of law and fact common to members of the Men's Class and
 28 which predominate over questions involving individual members of this class. The common

1 questions include:

- 2 a) Whether Defendants' Gender-Based Pricing Promotion unlawfully discriminated against
- 3 members of the Men's Class on the basis of their gender;
- 4 b) Whether Defendants' Gender-Based Pricing Promotion violated Civil Code section 51 by
- 5 unlawfully discriminating against members of the Men's Class on the basis of their gender;
- 6 c) Whether Defendants' Gender-Based Pricing Promotion violated Civil Code section 51.5 by
- 7 unlawfully discriminating against members of the Men's Class on the basis of their gender;
- 8 d) Whether Defendants' Gender-Based Pricing Promotion violated Civil Code section 51.6 by
- 9 unlawfully discriminating against members of the Men's Class on the basis of their gender;
- 10 e) Whether Defendants' advertisements and promotion of the Gender-Based Pricing Promotion
- 11 constituted an unlawful contract as proscribed by Civil Code section 1770, subdivision
- 12 (a)(14) of the Consumer Legal Remedies Act because Defendants represented to the public
- 13 that females were entitled to rights prohibited, and therefore unavailable, under California
- 14 statutory law;
- 15 f) Whether Defendants' advertisements and promotion of the Gender-Based Pricing Promotion
- 16 included unconscionable contractual provisions as proscribed by Civil Code section 1770,
- 17 subdivision (a)(19) of the Consumer Legal Remedies Act; and
- 18 g) Whether, as a result of the above-referenced unlawful conduct, Defendant's Gender-Based
- 19 Pricing Promotion constituted an unlawful or unfair business practice under the Unfair
- 20 Competition Law as provided under Business and Professions Code section 17200 et seq.

21 24. There is a well defined community of interest regarding the questions of law and fact
 22 involved in the parties to be represented. Plaintiff Long's claims are typical of the claims of the
 23 absent members of the Men's Class. The claims fairly encompass the claims of the absent members
 24 of the Men's Class. Plaintiff Long and the absent members of the Men's Class are similarly situated
 25 and identically harmed by the same course of unlawful conduct alleged herein. A class action is
 26 superior to other methods for the fair and efficient adjudication of this controversy. Defendants'
 27 practices are common to all members of the Men's Class and judicial economy is not served by
 28 multiple actions with duplicative and repetitive testimony.

1 25. Plaintiff Long is aware of no difficulty that will be encountered in the management
2 of this litigation that would preclude its maintenance as a class action.

3 26. Plaintiff Long and his counsel will fairly and adequately protect the interests of the
4 absent members of the Men's Class. There are no material conflicts between Plaintiff Long's claims
5 and those of the absent members of the Men's Class that would make class certification
6 inappropriate. Plaintiff has retained counsel who are competent and experienced in class action
7 litigation who will vigorously assert class representative's claims and those of the absent members of
8 the Men's Class. Plaintiff's counsel further has substantial experience pursuing civil rights claims
9 pursuant to the Unruh Civil Rights Act and the Gender Tax Repeal Act of 1995.

10 27. Plaintiff is entitled to an award of reasonable attorneys' fees and costs in prosecuting
11 this action against Defendants pursuant to Civil Code section 52 and Code of Civil Procedure section
12 1021.5.

13 **FIRST CAUSE OF ACTION**

14 **Discriminatory Business Practices in Violation of the Unruh Civil Rights Act**

15 **(Civil Code § 51 et seq.)**

16 **AGAINST ALL DEFENDANTS AND DOES 1-500**

17 28. Plaintiff incorporates into this cause of action the allegations contained in each and
18 every preceding paragraph of this complaint as if the same were set out at length herein.

19 29. By virtue of their conduct alleged herein, Defendants, and each of them,
20 intentionally discriminated against DAVID LONG, JR. solely on the basis of his gender as
21 proscribed by the Unruh Civil Rights Act, codified in Civil Code section 51 et seq.

22 30. By their conduct, Defendants, and each of them, caused Plaintiff to sustain damages.

23 31. Said discrimination renders Defendants, and each of them, liable to Plaintiff Long
24 and the absent members of the Men's Class "for each and every offense for the actual damages, and
25 any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of
26 three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and
27 any attorneys' fees that may be determined by the court in addition thereto...." (Civ. Code, § 52,
28 subd. (a).)

THIRD CAUSE OF ACTION

Discriminatory Business Practices in Violation of the Gender Tax Repeal Act of 1995

(Civil Code § 51.6 et seq.)

AGAINST ALL DEFENDANTS AND DOES 1-500

40. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

41. By virtue of their conduct alleged herein, Defendants, and each of them, intentionally discriminated against DAVID LONG, JR. solely on the basis of his gender as proscribed by the Gender Tax Repeal Act of 1995, Civil Code section 51.6 et seq.

42. By their conduct, Defendants, and each of them, caused Plaintiff Long and the absent members of the Men's Class to sustain damages.

43. Said discrimination renders Defendants, and each of them, liable to Plaintiff Long and the absent members of the Men's Class "for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorneys' fees that may be determined by the court in addition thereto...." (Civ. Code, § 52, subd. (a).)

44. Said discrimination further renders Defendants, and each of them, subject to injunctive relief.

45. Any remedy or relief awarded Plaintiff or the absent members of the Men's Class as a result of Defendants' liability for violations of the Gender Tax Repeal Act of 1995 is "independent of any other actions, remedies, or procedures that may be available to an aggrieved party pursuant to any other law." (Civ. Code, § 52, subd. (e).)

FOURTH CAUSE OF ACTION

Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law

(Bus. & Prof. Code, § 17200 et seq. – Unruh Civil Rights Act)

AGAINST ALL DEFENDANTS AND DOES 1-500

46. Plaintiff incorporates into this cause of action the allegations contained in each and

every preceding paragraph of this complaint as if the same were set out at length herein.

47. By virtue of their conduct alleged herein, Defendants, and each of them, engaged in acts of unfair competition as defined in Business and Professions Code section 17200, as follows:

- a) Each and every act of discrimination premised on the gender of Defendants' customers as set forth herein, and therefore in violation of the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), was unfair or unlawful or both.

48. Said violations render Defendants, and each of them, liable to Plaintiff Long individually, to the absent members of the Men's Class and to the general public upon whose behalf Plaintiff brings this action in a representative capacity for restitution or injunctive relief or both. (Bus. & Prof. Code, § 17204.)

49. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or the general public as a result of defendants' liability for violations of the Unfair Competition Law is "cumulative to each other and to the remedies or penalties available under all other laws of this state." (Bus. & Prof. Code, § 17205.)

FIFTH CAUSE OF ACTION

Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law

(Bus. & Prof. Code, § 17200 et seq. – Civil Code § 51.5)

AGAINST ALL DEFENDANTS AND DOES 1-500

50. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

51. By virtue of their conduct alleged herein, Defendants, and each of them, engaged in acts of unfair competition as defined in Business and Professions Code section 17200, as follows:

52. Each and every act of discrimination premised on the gender of Defendants' customers as set forth herein, and therefore in violation of Civil Code section 51.5, was unfair or unlawful or both;

53. Said violations render Defendants liable to Plaintiff Long individually, to the absent members of the Men's Class and to the general public upon whose behalf plaintiff brings this action in a representative capacity for restitution or injunctive relief or both. (Bus. & Prof. Code, § 17204.)

54. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or the general public as a result of Defendants' liability for violations of the Unfair Competition Law is "cumulative to each other and to the remedies or penalties available under all other laws of this state." (Bus. & Prof. Code, § 17205.)

SIXTH CAUSE OF ACTION

Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law
(Bus. & Prof. Code, § 17200 et seq. – Gender Tax Repeal Act)

AGAINST ALL DEFENDANTS AND DOES 1-500

55. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

56. By virtue of their conduct alleged herein, Defendants, and each of them, engaged in acts of unfair competition as defined in Business and Professions Code section 17200, as follows:

- a) Each and every act of discrimination premised on the gender of Defendants' patrons and potential patrons as set forth herein, and therefore in violation of the Gender Tax Repeal Act of 1995 (Civ. Code, § 51.6 et seq.), was unfair or unlawful or both.

57. Said violations render Defendants, and each of them, liable to Plaintiff Long individually, to the absent members of the Men's Class and to the general public upon whose behalf Plaintiff brings this action in a representative capacity for restitution or injunctive relief or both. (Bus. & Prof. Code, § 17204.)

58. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or the general public as a result of Defendants' liability for violations of the Unfair Competition Law is "cumulative to each other and to the remedies or penalties available under all other laws of this state." (Bus. & Prof. Code, § 17205.)

SEVENTH CAUSE OF ACTION

Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law
(Bus. & Prof. Code, § 17200 et seq. – Unlawful Contract)

AGAINST ALL DEFENDANTS AND DOES 1-500

59. Plaintiff incorporates into this cause of action the allegations contained in each and

1 every preceding paragraph of this complaint as if the same were set out at length herein.

2 60. Beginning on an exact date unknown, and for at least several weeks prior to October
3 4, 2008, Defendants, and each of them, engaged in acts of unfair competition as defined in Business
4 and Professions Code section 17200, as follows:

- 5 a) Defendants, and each of them, caused to be advertised a discriminatory gender-based pricing
6 promotion that is prohibited by law under the Unruh Civil Rights Act (Civ. Code, § 51 et
7 seq.), Civil Code section 51.5 and the Gender Tax Repeal Act of 1995 (Civ. Code, § 51.6 et
8 seq.). By advertising that females could obtain a free or reduced admission tickets to White
9 Party, while males were required to pay for the same, or essentially the same, White Party
10 admission tickets, Defendants, and each of them, represented to the public that females were
11 entitled to rights prohibited by California statutory law pursuant to Civil Code section 1770,
12 subdivision (a)(14).

13 61. Said violations render Defendants, and each of them, liable to Plaintiff Long
14 individually, to the absent members of the Men's Class and to the general public upon whose behalf
15 Plaintiff brings this action in a representative capacity for restitution or injunctive relief or both.
16 (Bus. & Prof. Code, § 17204.)

17 62. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or
18 the general public as a result of Defendants' liability for violations of the Unfair Competition Law is
19 "cumulative to each other and to the remedies or penalties available under all other laws of this
20 state." (Bus. & Prof. Code, § 17205.)

21 **EIGHTH CAUSE OF ACTION**

22 **Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law**
23 **(Bus. & Prof. Code § 17200 et seq. – Unconscionable Contract)**

24 **AGAINST ALL DEFENDANTS AND DOES 1-500**

25 63. Plaintiff incorporates into this cause of action the allegations contained in each and
26 every preceding paragraph of this complaint as if the same were set out at length herein.

27 64. Beginning on an exact date unknown, and for at least several weeks prior to October
28 4, 2008, Defendants, and each of them, engaged in acts of unfair competition as defined in Business

1 and Professions Code section 17200, as follows:

2 a) Defendants', and each of their, gender-based pricing promotion was an actual or proposed
3 contractual offer that, upon acceptance, constituted or would constitute executed contractual
4 agreements between (a) Defendants and Plaintiff, and (b) each of Defendants' patrons and
5 the general public, male and female alike. The inclusion of such discriminatory conditions in
6 each of these actual or proposed contracts are unconscionable, and therefore unlawful, within
7 the meaning of Civil Code section 1770, subdivision (a)(19), because (1) the contractual
8 offers are prepared, authorized, endorsed or ratified by Defendants, and each of them, and
9 offered to consumers who, upon consideration of the offers, are without any meaningful
10 opportunity to negotiate or reject the terms thereof, thereby making the actual or proposed
11 contracts those of adhesion; and (2) the unlawful, unfair and discriminatory nature of the
12 actual or proposed contracts "shocks the conscience" of the objectively reasonable person in
13 that they include terms that the California Legislature has established are *per se* injurious.

14 65. Said violations render Defendants, and each of them, liable to Plaintiff Long
15 individually, to the absent members of the Men's Class and to the general public upon whose behalf
16 Plaintiff bring this action in a representative capacity for restitution or injunctive relief or both.
17 (Bus. & Prof. Code, § 17204.)

18 66. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or
19 the general public as a result of Defendants' liability for violations of the Unfair Competition Law is
20 "cumulative to each other and to the remedies or penalties available under all other laws of this
21 state." (Bus. & Prof. Code, § 17205.)

22 **NINTH CAUSE OF ACTION**

23 **Negligent Hire, Supervision and Retention**

24 **AGAINST ALL DEFENDANTS AND DOES 1-500**

25 67. Plaintiff incorporates into this cause of action the allegations contained in each and
26 every preceding paragraph of this complaint as if the same were set out at length herein.

27 68. Defendants, and each of them, had a duty of care to avoid injury to Plaintiff Long,
28 the absent members of the Men's Class and the general public.

69. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each of them, selected, hired, retained and contracted with persons and/or entities, the identities of which are presently unknown but who unlawfully discriminated against Plaintiff Long, the absent members of the Men's Class and the general public as set forth above including, but not limited to, rejecting, via email, Plaintiff Long's request to be afforded the same White Party admission pricing as female attendees.

70. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each of them, had the authority and duty to supervise, prohibit, control and/or regulate persons and/or entities, the identities of which are presently unknown, but who unlawfully discriminated against Plaintiff Long, the absent members of the Men's Class and the general public as set forth above.

71. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each of them, knew or reasonably should have known that persons or entities, the identities of which are presently unknown but who unlawfully discriminated against Plaintiff Long, the absent members of the Men's Class and the general public as set forth above, would discriminate against Plaintiff.

72. Plaintiff is informed and believes, and on that basis alleges, that Defendants, and each of them, breached their duty of care as set forth herein by engaging in one or more of the following acts:

- a) Failing to use reasonable care in selecting, hiring, retaining or contracting with persons who engaged in discriminatory practices towards Plaintiff Long, the absent members of the Men's Class and the general public; and/or
- b) Engaging in conduct that violated the statutes and/or other law set forth in causes of action one through eight as more fully set forth above.

73. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiff Long, the absent members of the Men's Class and the general public have suffered, and continue to suffer, damages in amounts to be proven at trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court:

FOR THE FIRST CAUSE OF ACTION:

1. Award Plaintiff and the absent members of the Men's Class actual damages according to proof or as otherwise required by statute;
2. Award Plaintiff and the absent members of the Men's Class statutorily mandated exemplary damages according to proof or as otherwise required by statute;
3. Permanently enjoin Defendants, and each of them, from engaging in discriminatory practices in violation of the Unruh Civil Rights Act, Civil Code section 51;
4. Award Plaintiff and the absent members of the Men's Class their attorneys' fees according to proof or as required and/or permitted by statute including, but not limited to, sections 52 of the Civil Code and 1021.5 of the Code of Civil Procedure;
5. Award Plaintiff and the absent members of the Men's Class their costs; and
6. Grant such other and further relief as the Court deems just and proper, including without limitation, the complete disgorgement of all ill-gotten gains according to proof or as otherwise required by statute.

FOR THE SECOND CAUSE OF ACTION:

1. Award Plaintiff and the absent members of the Men's Class actual damages according to proof or as otherwise required by statute;
2. Award Plaintiff and the absent members of the Men's Class statutorily mandated exemplary damages according to proof or as otherwise required by statute;
3. Permanently enjoin Defendants, and each of them, from engaging in discriminatory practices in violation of Civil Code section 51.5;
4. Award Plaintiff and the absent members of the Men's Class their attorneys' fees according to proof or as required and/or permitted by statute including, but not limited to, sections 52 of the Civil Code and 1021.5 of the Code of Civil Procedure;
5. Award Plaintiff and the absent members of the Men's Class their costs; and
6. Grant such other and further relief as the Court deems just and proper, including without

1 limitation, the complete disgorgement of all ill-gotten gains according to proof or as
 2 otherwise required by statute.

3 **FOR THE THIRD CAUSE OF ACTION:**

- 4 1. Award Plaintiff and the absent members of the Men's Class actual damages according to
 5 proof or as otherwise required by statute;
- 6 2. Award Plaintiff and the absent members of the Men's Class statutorily mandated exemplary
 7 damages according to proof or as otherwise required by statute;
- 8 3. Permanently and/or temporarily enjoin Defendants, and each of them, from engaging in
 9 discriminatory practices in violation of the Gender Tax Repeal Act of 1995, Civil Code
 10 section 51.6;
- 11 4. Award Plaintiff and the absent members of the Men's Class their attorneys' fees according to
 12 proof or as required and/or permitted by statute including, but not limited to, sections 52 of
 13 the Civil Code and 1021.5 of the Code of Civil Procedure;
- 14 5. Award Plaintiff and the absent members of the Men's Class their costs; and
- 15 6. Grant such other and further relief as the Court deems just and proper, including without
 16 limitation, the complete disgorgement of all ill-gotten gains according to proof or as
 17 otherwise required by statute.

18 **FOR THE THIRD, FOURTH, FIFTH, SIXTH, SEVENTH AND EIGHTH CAUSES OF**
 19 **ACTION:**

- 20 1. Award Plaintiff, the absent members of the Men's Class and the general public restitution
 21 and/or disgorgement of defendants', and each of their, ill-gotten gains according to proof or
 22 as required by statute;
- 23 2. Award Plaintiff, the absent members of the Men's Class and the general public their
 24 attorneys' fees according to proof or as required and/or permitted by statute including, but
 25 not limited to, section 1021.5 of the Code of Civil Procedure;
- 26 3. Award Plaintiff, the absent members of the Men's Class and the general public their costs;
- 27 4. Permanently and/or temporarily enjoin Defendants, and each of them, from engaging in
 28 discriminatory, unfair or unlawful business practices as proscribed and/or defined by the

Unruh Civil Rights Act (Civ. Code, § 51 et seq.), Civil Code section 51.5, the Gender Tax Repeal Act of 1995 (Civ. Code, § 51.6 et seq.) and the Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.); and

5. Grant such other and further relief as the Court deems just and proper.

FOR THE NINTH CAUSE OF ACTION:

1. Award Plaintiff and the absent members of the Men's Class damages according to proof;
2. Award Plaintiff and the absent members of the Men's Class their attorneys' fees according to proof or as required and/or permitted by statute including, but not limited to, section 1021.5 of the Code of Civil Procedure;
3. Award Plaintiff and the absent members of the Men's Class their costs; and
4. Grant such other and further relief as the Court deems just and proper.

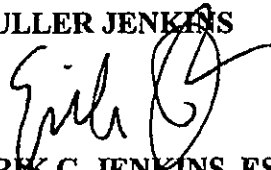
JURY TRIAL DEMANDED:

Plaintiff requests a jury trial in this matter and agrees to pay all fees and costs associated therewith which are chargeable to him at the appropriate time.

Respectfully submitted,

Dated: 3/27/11

FULLER JENKINS

By: 
ERIK C. JENKINS, ESQ.
Attorneys for Plaintiff

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): Erik C. Jenkins (Bar No. 188264) FULLER JENKINS 11975 El Camino Real, Suite 200 San Diego, CA 92130		FOR COURT USE ONLY <div style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">FILED</div> Los Angeles Superior Court <div style="font-size: 1.2em; margin: 10px 0;">JAN 31 2011</div>	
TELEPHONE NO.: 858-450-4050 FAX NO.: 858-450-4051 ATTORNEY FOR (Name): DAVID LONG, JR.		By <u>John A. Clarke, Executive Officer/Clerk</u> <u>DOROTHY SWAIN</u> , Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: LOS ANGELES BRANCH NAME: STANLEY MOSK COURTHOUSE			
CASE NAME: LONG JR. V. PLAYBOY ENTERPRISES AND DOES 1 THROUGH 500			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: EC 454001 JUDGE: _____ DEPT: _____	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): 9

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 1/27/11

Erik C. Jenkins (Bar No. 188264)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

SHORT TITLE:
LONG, JR. V. PLAYBOY ENTERPRISES

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	①, 2., ③
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: LONG, JR. V. PLAYBOY ENTERPRISES	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: LONG, JR. V. PLAYBOY ENTERPRISES	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: LONG, JR. V. PLAYBOY ENTERPRISES	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 2706 Media Center Drive Los Angeles, California 90065	
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input checked="" type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY: LOS ANGELES	STATE: CA	ZIP CODE: 92012	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the COUNTY courthouse in the CENTRAL District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 1/26/2011


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Erik C. Jenkins (Bar No. 188264) FULLER JENKINS 11975 El Camino Real, Suite 200 San Diego, CA 92130		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court FEB 25 2011	
TELEPHONE NO: 858-450-4050 FAX NO. (Optional): 858-450-4051 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): DAVID LONG, JR.		John A. Clarke, Executive Officer/Clerk By: [Signature] Deputy RECEIVED	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: LOS ANGELES BRANCH NAME: STANLEY MOSK COURTHOUSE		CASE NUMBER: BC 454001 JUDICIAL OFFICER: DEPT.:	
PLAINTIFF/PETITIONER: DAVID LONG, JR. DEPENDANT/RESPONDENT: PLAYBOY ENTERPRISES, INC. AND DOES 1 THROUGH 500		AMENDED NOTICE OF RELATED CASE	

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: LONG JR., V. CAFE SEVILLA
- b. Case number: 37-2008-00082140-CU-CR-CTL
- c. Court: ☐ same as above
☒ other state or federal court (name and address): SAN DIEGO CENTRAL DISTRICT
 330 WEST BROADWAY SAN DIEGO, CA 92101
- d. Department: C-60
- e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☐ other (specify):
- f. Filing date: JANUARY 5, 2009
- g. Has this case been designated or determined as "complex?" ☐ Yes ☒ No
- h. Relationship of this case to the case referenced above (check all that apply):
 - ☒ Involves the same parties and is based on the same or similar claims.
 - ☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
 - ☐ Involves claims against, title to, possession of, or damages to the same property.
 - ☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
 - ☐ Additional explanation is attached in attachment 1h
- i. Status of case:
 - ☐ pending
 - ☐ dismissed ☐ with ☐ without prejudice
 - ☒ disposed of by judgment

2. a. Title:
- b. Case number:
- c. Court: ☐ same as above
☐ other state or federal court (name and address):
- d. Department:

CM-018

PLAINTIFF/PETITIONER: DAVID LONG, JR.	CASE NUMBER: BC 454001
DEFENDANT/RESPONDENT: PLAYBOY ENTERPRISES, INC. AND DOES 1 THROUGH 500	

2. (continued)

e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No

h. Relationship of this case to the case referenced above (check all that apply):

- ☐ involves the same parties and is based on the same or similar claims.
☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 2h

i. Status of case:

- ☐ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment

3. a. Title:

b. Case number:

c. Court: ☐ same as above
☐ other state or federal court (name and address):

d. Department:

e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No

h. Relationship of this case to the case referenced above (check all that apply):

- ☐ involves the same parties and is based on the same or similar claims.
☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 3h

i. Status of case:

- ☐ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment

4. ☐ Additional related cases are described in Attachment 4. Number of pages attached:

Date: 02/24/11

ERIK C. JENKINS, ESQ.

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): FULLER JENKINS ERIK C. JENKINS, ESQ. - SBN # 188264 11975 EL CAMINO REAL, SUITE 200, SAN DIEGO, CA 92130 TELEPHONE NO. (Optional) (858) 450-4050 FAX NO. (Optional) (858) 450-4051 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT FEB 18 2011 JOHN A. CLARKE, CLERK BY <i>Raul Sanchez</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF: LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME:		
PLAINTIFF/PETITIONER: LONG DEFENDANT/RESPONDENT: PLAYBOY ENTERPRISES		CASE NUMBER: BC454001 0.24
PROOF OF SERVICE OF SUMMONS		Ref No. or File No. 00S68242-01/

(Separate proof of service is required for each party served)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the summons and
 - e. other (specify documents):
 NOTICE OF RELATED CASE; SUMMONS AND COMPLAINT; CIVIL CASE COVER SHEET;
 CIVIL CASE COVER SHEET ADDENDUM; NOTICE OF CASE ASSIGNMENT; ALTERNATIVE
 DISPUTE RESOLUTION PACKET;
3. a. Party Served: (specify name of party as shown on the documents served):
PLAYBOY ENTERPRISES INTERNATIONAL, INC.
 - b. Person Served: other (specify name and relationship to party named in item 3a): other (specify name and relationship)
MARGARET WILSON, PERSON AUTHORIZED TO ACCEPT
4. Address where the party was served: **818 W. 7TH STREET**
LOS ANGELES, CA 90017
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): February 10, 2011 (2) at (time): 03:00 pm

11/22/20

PETITIONER: LONG RESPONDENT: PLAYBOY ENTERPRISES	CASE NUMBER: BC454001
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6. The "Notice to the Person Served" (on the summons) was completed as follows:

d. on behalf of(*specify*):

PLAYBOY ENTERPRISES INTERNATIONAL, INC.
[XX] 416.10 (corporation)

7. Person who served papers

- a. Name: VICTOR ENRIQUE MENDEZ
- b. Address: 3500 5th. AVE. SUITE 202, SAN DIEGO, CA 92103
- c. Telephone: (619) 299-2012
- d. The fee for service was: \$ 63.95
- e. I am: (3) a registered California process server
 - (i) INDEPENDENT CONTRACTOR
 - (ii) Registration No.: 3428
 - (iii) County : LOS ANGELES

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 11, 2011

VICTOR ENRIQUE MENDEZ

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHALL)



(SIGNATURE)

Page 2 of 2

EXHIBIT C

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 02/08/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE

A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BC454001

Plaintiff

Counsel

DAVID LONG JR

NO APPEARANCES

VS

Defendant

PLAYBOY ENTERPRISES INTERNATIONAL
INC

Counsel

NON-COMPLEX 2-8-11

NATURE OF PROCEEDINGS:

COURT ORDER

This Court makes its determination whether or not this case should be deemed complex pursuant to Rule 3.400 of the California Rules of Court.

This case is designated non-complex and is reassigned to Judge Robert L. Hess in Department 24 at Stanley Mosk Courthouse for all further proceedings.

Court orders any complex case fee paid to be refunded.

Plaintiff is ordered to serve a copy of this minute order on all parties forthwith and file a proof of service in Department 24 within five (5) days of service.

Any party objecting to the non-complex designation must file an objection and proof of service in Department 324 within ten (10) days of service of this minute order. Any response to the objection must be filed in Department 324 within seven (7) days of service of the objection. This Court will make its ruling on the submitted pleadings.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 02/08/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE

A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BC454001

Plaintiff

Counsel

DAVID LONG JR

NO APPEARANCES

VS

Defendant

PLAYBOY ENTERPRISES INTERNATIONAL

Counsel

INC

NON-COMPLEX 2-8-11

NATURE OF PROCEEDINGS:

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 02-08-11 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 02-08-11

John A. Clarke, Executive Officer/Clerk

By: _____
TANAYA LEWIS

FULLER JENKINS
Craig D. Fuller, Esq.
11975 El Camino Real, Suite 200
San Diego, CA. 92130

24

Craig D. Fuller (Bar No. 158482)
Erik C. Jenkins (Bar No. 188264)
FULLER JENKINS
11975 El Camino Real, Suite 200
San Diego, California 92130
Telephone: (858) 450-4050
Fax: (858) 450-4051

Attorneys for Plaintiffs

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

FEB 15 2011

John A. Clark, Clerk
By GLORIETTA ROBINSON, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DIVISION**

**DAVID LONG, JR., AN INDIVIDUAL
SUING ON BEHALF OF HIMSELF, ALL
THOSE SIMILARLY SITUATED AND THE
GENERAL PUBLIC,**

PLAINTIFF,

VS.

**PLAYBOY ENTERPRISES INTERNATIONAL,
INC., AND DOES 1 THROUGH 500,**

DEFENDANTS.

Case No. BC454001

PROOF OF SERVICE

///

///

///

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///

///

///

PROOF OF SERVICE

I, Kerry J. Duplaisir, declare that I am over the age of 18 years and not a party to the above-captioned action. I am employed in the County of San Diego, State of California, and my business address is 11975 El Camino Real, Suite 200, San Diego, CA 92130.

On February 11, 2011, I served the following document(s):

1. Court Order, dated February 8, 2011;
2. Clerk's Certificate of Mailing/Notice of Entry of Order, dated February 8, 2011; and
3. Proof of Service.

☒ VIA U.S. MAIL**☐ VIA OVERNIGHT DELIVERY**

I placed each for deposit in the United States Postal Service, this same day, at my business address shown above, following ordinary business practices. I declare that I am familiar with the business practice for the collection and processing of correspondence for mailing within the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

I deposited the above document(s) at a San Diego, California

- ☐ United Parcel Service Depository
☐ Federal Express Depository
☐ Airborne Express Depository
to the person served as follows.
(See service list.)

☐ VIA PERSONAL SERVICE**☐ VIA FACSIMILE**

I personally delivered the document(s) listed herein to the person served at the following address as follows:

I transmitted the above document(s) via facsimile machine at San Diego, California, to the person served as follows. (See service list.)

☐ VIA ELECTRONIC MAIL

I personally transmitted the document(s) listed herein to the parties indicated in the Person(s) Served section of this proof of service via electronic mail (e-mail) at the following e-mail addresses:

Person(s) Served

By US Mail:

Playboy Enterprises International, Inc.
C/o C T Corporation System
818 W. 7th Street
Los Angeles, CA 90017

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: February 11, 2011

By:

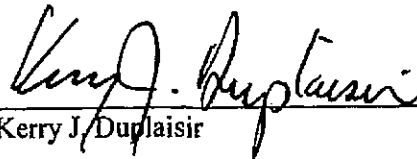

Kerry J. Duplaisir

EXHIBIT D



**Service of Process
Transmittal**

02/25/2011

CT Log Number 518101470

TO: Howard Shapiro, General Counsel
Playboy Enterprises International, Inc.
680 North Lake Shore Drive, 15th Floor
Chicago, IL 60611-

RE: Process Served in California

FOR: PLAYBOY ENTERPRISES INTERNATIONAL, INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: David Long, Jr., an individual suing on behalf of himself, all those similarly situated and the general public, Pltf. vs. Playboy Enterprises International, Inc., et al., Dfts.

DOCUMENT(S) SERVED: Summons, Amended Notice, Cover Sheet, Cover Sheet Addendum and Statement, First Amended Complaint, Exhibit

COURT/AGENCY: Los Angeles County, Superior Court, Hill Street, CA
Case # BC454001

NATURE OF ACTION: Employee Litigation - Discrimination - On the basis of gender

ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA

DATE AND HOUR OF SERVICE: By Process Server on 02/25/2011 at 15:00

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: Within 30 days after service

ATTORNEY(S) / SENDER(S): Erik C. Jenkins
Fuller Jenkins
11975 El Camino Real
Suite 200
San Diego, CA 92130
858 450 4050

REMARKS: Please note that page 2 of cover sheet was not received with documents at time of service.

ACTION ITEMS: Telephone, Howard Shapiro , 312-373-2300
Spoke with Playboy Enterprises on 2/28/2011 at 8:56 a.m.
SOP Papers with Transmittal, via Fed Ex Priority Overnight , 796810314573
Image SOP
Email Notification, Howard Shapiro HOWARDS@PLAYBOY.COM
Email Notification, Julie Joly jjoly@playboy.com

SIGNED: C T Corporation System
PER: Nancy Flores
ADDRESS: 818 West Seventh Street
Los Angeles, CA 90017
TELEPHONE: 213-337-4615



CT Corporation

**Service of Process
Transmittal**

02/25/2011

CT Log Number 518101470

TO: Howard Shapiro, General Counsel
Playboy Enterprises International, Inc.
680 North Lake Shore Drive, 15th Floor
Chicago, IL 60611-

RE: Process Served in California

FOR: PLAYBOY ENTERPRISES INTERNATIONAL, INC. (Domestic State: DE)

DOCKET HISTORY:

DOCUMENT(S) SERVED:	DATE AND HOUR OF SERVICE:	TO:	CT LOG NUMBER:
Order, Attachment(s), Proof of Service Form	By Regular Mail on 02/21/2011 postmarked on 02/11/2011	Howard Shapiro, General Counsel Playboy Enterprises International, Inc.	518050556
Summons, Complaint, Cover Sheet, Instructions, Cover Sheet Addendum and Statement, Notice(s), Attachment(s)	By Process Server on 02/10/2011 at 15:00	Howard Shapiro, General Counsel Playboy Enterprises International, Inc.	518022858

Page 2 of 2 / AG

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

RECEIVED 02/25/2011 12:05
FROM Advanced Attorney Services

1-213-628-1596
(FRI) FEB 25 2011 11:10/ST-11:05/No. 930072/9982 P 2

DDS LA

7-25-11

AMENDED SUMMONS *m first Amended.*
(CITACION JUDICIAL)

SUM-100

**NOTICE TO DEFENDANT: PLAYBOY ENTERPRISES INTERNATIONAL,
(AVISO AL DEMANDADO): INC. AND DOES 1 THROUGH 500.**

**CONFIDENTIAL COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

FEB 24 2011

John A. Clarke, Executive Officer/Clerk

By RUGENA LOPEZ Deputy

**YOU ARE BEING SUED BY PLAINTIFF: DAVID LONG, JR. an Individual
(LO ESTÁ DEMANDANDO EL DEMANDANTE):** *Suing on behalf
of himself, all those similarly situated and the
general public*

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto al desear que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

111 NORTH HILL STREET
LOS ANGELES, CA 90012

CASE NUMBER:
(Número del Caso):
BC 454001

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Erik C. Jenkins (Bar No. 188264)

858-450-4050

FULLER JENKINS

11975 El Camino Real, Suite 200

San Diego, CA 92130

DATE:

(Fecha)

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify) **PLAYBOY ENTERPRISES INTERNATIONAL, INC.**

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.80 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. July 1, 2009)

SUMMONS

Legal
Solutions
& Plus

Code of Civil Procedure §§ 422.20, 465

RECEIVED 02/25/2011 12:05 1-213-620-1596 DDS LA
 FROM Advanced Attorney Services (FRI) FEB 25 2011 11:11/ST. 11:05/No. 9300724082 P 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Erik C. Jenkins (Bar No. 188264) FULLER JENKINS 11975 El Camino Real, Suite 200 San Diego, CA 92130 TELEPHONE NO.: 858-450-4050 FAX NO. (Optional): 858-450-4051 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): DAVID LONG, JR.		FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court FEB 25 2011 John A. Clarke, Executive Officer/Clerk By <u>[Signature]</u> Deputy KETLOFLER-SLAYTON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: LOS ANGELES BRANCH NAME: STANLEY MOSK COURTHOUSE		CASE NUMBER: BC 454001 JUDICIAL OFFICER: DEPT.:
PLAINTIFF/PETITIONER: DAVID LONG, JR. DEFENDANT/RESPONDENT: PLAYBOY ENTERPRISES, INC. AND DOES 1 THROUGH 500		
AMENDED NOTICE OF RELATED CASE		

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: **LONG JR., V. CAFE SEVILLA**
 b. Case number: **37-2008-00082140-CU-CR-CTL**
 c. Court: ☐ same as above
☒ other state or federal court (name and address): **SAN DIEGO CENTRAL DISTRICT**
330 WEST BROADWAY SAN DIEGO, CA 92101
 d. Department: **C-60**
 e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☐ other (specify):
 f. Filing date: **JANUARY 5, 2009**
 g. Has this case been designated or determined as "complex?" ☐ Yes ☒ No
 h. Relationship of this case to the case referenced above (check all that apply):
☒ involves the same parties and is based on the same or similar claims,
☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 1h
 i. Status of case:
☐ pending
☐ dismissed ☐ with ☐ without prejudice
☒ disposed of by judgment
2. a. Title:
 b. Case number:
 c. Court: ☐ same as above
☐ other state or federal court (name and address):
 d. Department:

RECEIVED 02/25/2011 12:05
FROM Advanced Attorney Services

1-213-620-1596
(FRI) FEB 25 2011 11:11/ST. 11:05/No. 9300724382 P 4

DDS LA

CM-015

PLAINTIFF/PETITIONER: DAVID LONG, JR.	CASE NUMBER: BC 454001
DEFENDANT/RESPONDENT: PLAYBOY ENTERPRISES, INC. AND DOES 1 THROUGH 500	

2. (continued)

e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No

h. Relationship of this case to the case referenced above (check all that apply):

- ☐ Involves the same parties and is based on the same or similar claims.
☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ Involves claims against, title to, possession of, or damages to the same property.
☐ Is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 2h

i. Status of case:

- ☐ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment

3. a. Title:

b. Case number:

c. Court: ☐ same as above
☐ other state or federal court (name and address):

d. Department:

e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No

h. Relationship of this case to the case referenced above (check all that apply):

- ☐ Involves the same parties and is based on the same or similar claims.
☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ Involves claims against, title to, possession of, or damages to the same property.
☐ Is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 3h

i. Status of case:

- ☐ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment

4. ☐ Additional related cases are described in Attachment 4. Number of pages attached:

Date: 02/24/11

ERIK C. JENKINS, ESO

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

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FROM Advanced Attorney Services

1-213-620-1596

DDS LA

(FRI) FEB 25 2011 11:11/ST. 11:05/No. 0300724982 P 5

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Erik C. Jenkins (Bar No. 188264) FULLER JENKINS 11975 El Camino Real, Suite 200 San Diego, CA 92130 TELEPHONE NO.: 858-450-4030 FAX NO.: 858-450-4051 ATTORNEY FOR: DAVID LONG JR.		FOR COURT USE ONLY CM-010 CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court FEB 25 2011 John A. Clarke, Executive Officer/Clerk By KEITH LEUR-CLAYTON , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: LOS ANGELES COURT NAME: STANLEY MOSK COURTHOUSE		
CASE NAME: LONG JR. V. PLAYBOY ENTERPRISES AND DOES 1 THROUGH 500 AMENDED		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unsettled (Amount: \$24,000) <input type="checkbox"/> Settled (Amount: \$24,000)	Complex Case Designation <input type="checkbox"/> Complex <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: BC-454001 JUDGE: CLERK:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <input type="checkbox"/> Other PIP/PAID (Personal Injury/Property Damage/Uninsured Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/PAID (23) <input type="checkbox"/> Non PIP/PAID (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input checked="" type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/PAID tort (36) <input type="checkbox"/> Employment <input type="checkbox"/> Wrongful termination (35) <input type="checkbox"/> Other employment (16)	<input type="checkbox"/> Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (04) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <input type="checkbox"/> Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) <input type="checkbox"/> Unintentional Death/Injury <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (34) <input type="checkbox"/> Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Will of mandate (02) <input type="checkbox"/> Other judicial review (38)	<input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade Regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (26) <input type="checkbox"/> Employment/Tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (21) <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) <input type="checkbox"/> Miscellaneous Civil Complaint <input type="checkbox"/> RCO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <input type="checkbox"/> Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	--

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☒ Large number of witnesses
- b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☒ Substantial amount of documentary evidence f. ☒ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 9
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: 02/24/11
- Erik C. Jenkins (Bar No. 188264)

(TYPE OR PRINT NAME)

NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

Legal
Solutions
CA 12108

Cal. Rules of Court, rules 3.220, 3.221, 3.400-3.403, (R190)
Cal. Writs/Forms of Judicial Administration, Vol. 1, 1-10

LS-00075 (5-7)
10-11-10-10

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FROM Advanced Attorney Services

1-213-620-1596
(FRI) FEB 25 2011 11:11/ST. 11:05/No. 0300724982 P 0

DDS LA

SHORT TITLE: LONG, JR. V. PLAYBOY ENTERPRISES

CASE NUMBER
BC 454001

**AMENDED CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I: Check the type of hearing and fill in the estimated length of hearing expected for this case:
JURY TRIAL: ☒ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TAKE ESTIMATE FOR TRIAL: ☐ HOURS ☒ DAYS

Item II: Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check yes Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked.
For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

- Class Actions must be filed in the County Courthouse, Central District.
- May be filed in Central (Other county, or No Bodily Injury/Property Damage).
- Location where cause of action arose.
- Location where bodily injury, death or damage occurred.
- Location where performance required or defendant resides.
- Location of property or permanently stored vehicle.
- Location where defendant resides.
- Location where defendant's principal place of business is located.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 2, 4
Uninsured Motorist (28)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1, 2, 4
Asbestos (04)	<input type="checkbox"/> A8070 Asbestos Property Damage	2
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2
Product Liability (24)	<input type="checkbox"/> A7200 Product Liability (not asbestos or toxic/environmental)	1, 2, 3, 4, 6
Medical Malpractice (48)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 2, 4, 6, 11, Pg. 4
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 2, 4, 6, 11, Pg. 4
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 2, 4
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 2, 4
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 2, 3
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 2, 4
Business Tort (07)	<input type="checkbox"/> A8020 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input checked="" type="checkbox"/> A8008 Civil Rights/Discrimination	2, 6
Defamation (13)	<input type="checkbox"/> A8010 Defamation (slandering)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A8013 Fraud (no contract)	1, 2, 3

LACV 109 (Rev. 01/07)
LASC Approved 03-04

**AMENDED CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

LASC Rule 2.0
Page 1 of 4

RECEIVED 02/25/2011 12:05 1-213-620-1596 DDS LA
 FROM Advanced Attorney Services (FRI) FEB 25 2011 11:12/ST. 11:05/No. 9300724992 P 7

SHORT TITLE: LONG, JR. V. PLAYBOY ENTERPRISES		CASE NUMBER BC 454001
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (26)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6060 Other Professional Malpractice (not medical or legal)	1, 2, 3. 1, 2, 3.
Other (36)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3.
Wrongful Termination (39)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3.
Other Employment (18)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input checked="" type="checkbox"/> A6109 Labor Commission/First Appeals	1, 2, 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6054 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6018 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 6. 2, 6. 1, 2, 5. 1, 2, 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2, 5, 8. 2, 5.
Insurance Coverage (16)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5. 1, 2, 3, 5. 1, 2, 3, 5.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 5, 8.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6.
Other Real Property (28)	<input type="checkbox"/> A6016 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 5. 2, 5. 2, 5.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2, 5.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2, 5.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 5.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 5.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5.

RECEIVED 02/25/2011 12:05
FROM Advanced Attorney Services

1-213-628-1596
(FRI) FEB 25 2011 11:12/ST. 11:05/No. 9300724962 P 8

DDS LA

SHORT TITLE LONG, JR. V. PLAYBOY ENTERPRISES		CASE NUMBER BC 454001
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A8151 Writ - Administrative Mandamus <input type="checkbox"/> A8152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A8153 Writ - Other Limited Court Case Review	2, 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A8150 Other Writ / Judicial Review	2, 8.
Arbitration/Trade Regulation (03)	<input type="checkbox"/> A8003 Arbitration/Trade Regulation	1, 2, 8.
Construction Defect (10)	<input type="checkbox"/> A8007 Construction defect	1, 2, 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A8006 Claims Involving Mass Tort	1, 2, 8.
Securities Litigation (28)	<input type="checkbox"/> A8025 Securities Litigation Case	1, 2, 8.
Toxic Tort/ Environmental (30)	<input type="checkbox"/> A8059 Toxic Tort/Environmental	1, 2, 3, 8.
Insurance Coverage Claims (Non-Complex Cases) (11)	<input type="checkbox"/> A8014 Insurance Coverage/Subrogation (complex cases only)	1, 2, 8, 9.
Enforcement of Judgment (20)	<input type="checkbox"/> A8141 Sister State Judgment <input type="checkbox"/> A8160 Abstract of Judgment <input type="checkbox"/> A8107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A8140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A8114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A8112 Other Enforcement of Judgment Case	2, 8. 2, 8. 2, 8. 2, 8. 2, 8. 2, 8, 9.
RICO (27)	<input type="checkbox"/> A8033 Racketeering (RICO) Case	1, 2, 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A8030 Declaratory Relief Only <input type="checkbox"/> A8040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A8011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A8000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8. 2, 8. 1, 2, 8. 1, 2, 8.
Partnership/Corporation Governance (21)	<input type="checkbox"/> A8113 Partnership and Corporate Governance Case	2, 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A8121 Civil Harassment <input type="checkbox"/> A8123 Workplace Harassment <input type="checkbox"/> A8124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A8180 Election Contest <input type="checkbox"/> A8110 Petition for Change of Name <input type="checkbox"/> A8170 Petition for Relief from Late Claim Law <input type="checkbox"/> A8100 Other Civil Petition	2, 3, 8. 2, 3, 8. 2, 3, 8. 2. 2, 7. 2, 3, 4, 8. 2, 9.

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SHORT TITLE: LONG, JR. V. PLAYBOY ENTERPRISES	CASE NUMBER BC 454001
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Item III, Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II, Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input checked="" type="checkbox"/> 9. <input type="checkbox"/> 10.		10236 CHARING CROSS ROAD
CITY BEVERLY HILLS	STATE CA	ZIP CODE 90024

Item IV, Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above entitled matter is properly filed for assignment to the COUNTY courthouse in the CENTRAL District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: 02/24/11


 (SIGNATURE OF ATTORNEY FILING PARTY)
 ERIK C. JENKINS

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age; or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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COUNTY OF LOS ANGELES

FEB 24 2011

John A. [Signature], Executive Officer/Clerk
BY [Signature], Deputy
Shirley Wesley

Craig D. Fuller (Bar No. 158482)
Erik C. Jenkins (Bar No. 188264)
FULLER JENKINS
11975 El Camino Real, Suite 200
San Diego, CA 92130
Telephone: (858) 450-4050
Fax: (858) 450-4051

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DIVISION**

BY FAX

DAVID LONG, JR., an individual suing on
behalf of himself, all those similarly situated
and the general public,

Plaintiff,

v.

PLAYBOY ENTERPRISES
INTERNATIONAL, INC. and DOES 1
through 500.

Defendants.

Case No. BC 454001

CLASS AND REPRESENTATIVE ACTION

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND DAMAGES RE:**

1. Violation of the Unruh Civil Rights Act;
2. Violation of Civil Code § 51.5;
3. Violation of the Gender Tax Repeal Act of 1995;
4. Unfair, Deceptive or Unlawful Business Practices – Unruh Act Violations;
5. Unfair, Deceptive or Unlawful Business Practices – Civil Code § 51.5 Violations;
6. Unfair, Deceptive and Unlawful Business Practices – Gender Tax Repeal Act Violations.

UNLIMITED JURISDICTION

Complaint for Injunctive Relief and Damages

1 Plaintiff DAVID LONG, JR., individually and on behalf of the classes described herein and
 2 on behalf of the general public, complains with regard to defendants PLAYBOY ENTERPRISES
 3 INTERNATIONAL, INC., and DOES 1 through 500, and each of them, as follows:

4 **NATURE AND BASIS OF ACTION**

5 1. Arbitrary discrimination premised on suspect classifications is abhorrent to a free
 6 and open society. In recognition of this, the California Legislature has enacted numerous laws to
 7 ensure that all persons in California are treated with respect and dignity irrespective of such
 8 immutable characteristics as gender, color, culture or ancestry. The primary anti-discrimination law
 9 in California is the Unruh Civil Rights Act, codified in Civil Code section 51 et seq. Under the Act,
 10 businesses are prohibited from discriminating in housing and public accommodations on the basis of
 11 sex, race, color, religion, ancestry, national origin, disability or medical condition.

12 2. Similarly, the Gender Tax Repeal Act of 1995, codified in Civil Code section 51.6 et
 13 seq., prohibits businesses from employing discriminatory differential pricing with regard to services
 14 on the basis of gender. This Act reinforces the statewide policy of non-discrimination articulated
 15 under the Unruh Civil Rights Act, but is confined to acts of discrimination premised on gender
 16 exclusively.

17 3. The scope of the Unruh Civil Rights Act and the Gender Tax Repeal Act is broad,
 18 and the Legislature has imposed a remedial scheme pursuant to which violators are dealt with
 19 severely. Penalties include the assessment of mandatory-minimum statutory damages and the award
 20 of attorneys' fees. Moreover, each and every discriminatory offense constitutes a violation of both
 21 Acts and may further form the basis for an independent cause of action for, among other things,
 22 unlawful or unfair business practices under the Unfair Competition Law codified at Business &
 23 Professions Code section 17200 et seq. Parties liable under either the Unruh Civil Rights Act or the
 24 Gender Tax Repeal Act include not only the principal party involved in the discrimination, but those
 25 who aide or incite the discriminatory practices as well.

26 4. This class action arises as a result of Defendants' intentional acts of discrimination
 27 against men who were denied equal pricing for the purchase of an admission ticket for events held at
 28 the Playboy Mansion, a property owned by PLAYBOY ENTERPRISES INTERNATIONAL, INC.

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1 and known around the world as the symbol of Playboy, as famous as the Playboy bunny. The
 2 Playboy Mansion has been used consistently for events which were marketed to the general public in
 3 California. Consistently, these events were priced with men paying a greater ticket price than
 4 women. In particular, Plaintiff DAVID LONG, JR. attended an event known as the third annual
 5 "White Party at the Playboy Mansion," which occurred on or about May 23, 2009 (hereinafter
 6 alternatively referred to as "White Party" or the "Gender-Based Pricing Promotion") and which
 7 Gender-Based Pricing Promotion was widely advertised over the internet and other media at least
 8 several months prior to the White Party event. During the Gender-Based Pricing Promotion,
 9 female customers were offered a free or reduced price admission as long as they abided by the
 10 terms and conditions of the promotion.¹ The Men's Class, more specifically identified below,
 11 were required to pay at least \$625 to attend the White Party event. This pricing is detailed on
 12 the "purchase" page of the White Party website, a true and correct printout of which is attached
 13 hereto as Exhibit "1".

14 5. With regard to the male customer-attendees of White Party, the effect of this
 15 unlawful conduct of advertising and conducting a Gender-Based Pricing Promotion, has been to
 16 deny Plaintiff, the putative class members and the general public, equal treatment under the law by
 17 requiring them to expend thousands of dollars more for the same, or essentially the same, services,
 18 entertainment and products offered to the female attendees of White Party, thereby promoting
 19 harmful negative stereotypes contrary to California public policy as articulated by the California
 20 Supreme Court in *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 37 and its progeny; and further
 21 articulated by the California Legislature in the legislative history of Civil Code sections 51, 51.5 and
 22 51.6.

23 6. This unlawful conduct has additionally allowed Defendants to gain an unfair
 24 advantage over its similarly-situated competitors who have lost business and goodwill to Defendants
 25 as a direct consequence of this Gender-Based Pricing Promotion. Defendants' sharp pricing
 26 practices have therefore substantially harmed competition in the relevant industry.

27
 28 ¹ Promoters issued complimentary tickets to "gorgeous ladies only" via various online promotions and advertisements.
 Other, presumably less attractive women were charged \$350.00.

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7. These claims are prosecuted by a single class, the "Men's Class." This class is comprised of California males who were denied equal pricing for the Gender-Based Pricing Promotion whether to the White Party or any other similar event hosted at the Playboy Mansion. By this action, brought pursuant to the theories and principles asserted herein, Plaintiff seeks redress for these wrongs on behalf of himself, all others similarly situated and on behalf of the general public.

PARTIES

8. Plaintiff DAVID LONG, JR. is a male California resident over the age of 21, who was denied equal pricing for the above-referenced Gender-Based Pricing Promotion and, as a result, paid more to attend the White Party than the event's female attendees.

9. Plaintiff Long is suing in his individual capacity, on behalf of the general public and is a member and proposed Class Representative of the Men's Class.

10. At all relevant times alleged herein, defendant PLAYBOY ENTERPRISES INTERNATIONAL, INC. was a Delaware corporation doing business in California pursuant to a certificate of qualification issued it by the Secretary of State as provided by Corporations Code section 100 et seq.

11. Does 1 through 500, inclusive, are sued herein under fictitious names. Their true names and capacities, whether individual, corporate or otherwise, are unknown to Plaintiff. When their true names and capacities are ascertained, Plaintiff will amend this complaint by inserting their true names and capacities. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages were proximately caused by those Defendants. Each reference in this complaint to "Defendant," "Defendants" or the specifically named Defendant refers also to all Defendants sued under fictitious names.

12. Defendants, and each of them, either participated directly in the gender-based pricing promotion described herein or aided and incited discriminatory practices in violation of Civil Code section 52 (a) and other code sections cited herein by assisting in the promotion of the gender-based pricing promotion and/or sponsoring the gender-based pricing promotion through activities including advertising.

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13. Unless otherwise alleged, whenever reference is made in this complaint to any act of "Defendant," "Defendants" or the specifically named Defendant, such allegation shall mean that each Defendant acted individually and jointly with the other Defendants.

14. Unless otherwise alleged, whenever reference is made in this complaint to any act or omission of any corporate or business Defendant, such allegation shall mean that such corporation or other business Defendant did the acts or omissions alleged in this complaint through its officers, directors, employees, agents, and/or representatives while they were acting within the actual or apparent scope of their authority.

15. At all relevant times alleged herein, each of the Defendants has acted as an agent, representative, or employee of each of the other Defendants and has acted within the course and scope of said agency or representation.

JURISDICTION AND VENUE

16. This Court has jurisdiction to preside over this matter pursuant to Article VI, section 10 of the California Constitution because this action is a cause not given by statute to other trial courts. Jurisdiction is further premised on, *inter alia*, the California Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), the Gender Tax Repeal Act of 1995 (Civ. Code, § 51.6), Civil Code section 51.5 and Code of Civil Procedure section 382.

17. This Court has jurisdiction over the Defendants in this action in that all Defendants are qualified with the California Secretary of State to do business in the State of California; or because they do sufficient business in California; or because they otherwise have sufficient minimum contacts in California to render the exercise of jurisdiction over them by California courts consistent with traditional notions of fair play and substantial justice.

18. Plaintiff is informed and believes, and on that basis alleges, that venue is proper in this particular Court because:

- a) Plaintiff was denied equal pricing for Defendants' Gender-Based Pricing Promotion while he was located in Los Angeles County, California; and
- b) Upon information and belief, defendant PLAYBOY ENTERPRISES INTERNATIONAL,

1 INC's foreign registration, filings and/or other relevant documents files with the California
2 Secretary of State list a physical address in Los Angeles County, California thereby rendering
3 them subject to being hailed into court in Los Angeles County; and
4 c) All defendants have engaged in business activities in the State of California, County of Los
5 Angeles, as alleged herein, that render them subject to being hailed into court in Los Angeles
6 County.

7 CLASS ALLEGATIONS

8 19. This class action is filed under the provisions of California Code of Civil Procedure
9 section 382, which provides that a class action may be brought when the question is one of common
10 interest to many persons, or when the number of persons is numerous and it is impracticable to bring
11 them all before the court. This action is properly maintained as a class action for the reasons set
12 forth below.

13 MEN'S CLASS

14 20. Plaintiff DAVID LONG, JR. is a proposed representative of the Men's Class, which
15 is an ascertainable class of California males who, on the basis of their gender, were made to pay
16 more than their female counterparts for admission or other services at the White Party and other
17 similar events hosted at the Playboy Mansion.

18 21. The Men's Class for whose benefit this action is brought consists of all male
19 attendees of the White Party event and other similar events hosted at the Playboy Mansion, whose
20 claims, except as to amount of damages, are otherwise identical, and whose repetitive testimony at
21 trial would be impracticable, unnecessary, and an inefficient use of judicial resources.

22 22. Specific to those putative class members who attended White Party, Plaintiff Long
23 witnessed dozens of male attendees, making this case suitable for class treatment. The large list of
24 absent members of the Men's Class is within the exclusive possession and control of Defendants,
25 and is not now known to Plaintiff, although the list may be readily obtained using statutory
26 discovery procedures.

27 23. There are questions of law and fact common to members of the Men's Class and
28 which predominate over questions involving individual members of this class. The common

1 questions include:

- 2 a) Whether Defendants' Gender-Based Pricing Promotion unlawfully discriminated against
3 members of the Men's Class on the basis of their gender;
- 4 b) Whether Defendants' Gender-Based Pricing Promotion violated Civil Code section 51 by
5 unlawfully discriminating against members of the Men's Class on the basis of their gender;
- 6 c) Whether Defendants' Gender-Based Pricing Promotion violated Civil Code section 51.5 by
7 unlawfully discriminating against members of the Men's Class on the basis of their gender;
- 8 d) Whether Defendants' Gender-Based Pricing Promotion violated Civil Code section 51.6 by
9 unlawfully discriminating against members of the Men's Class on the basis of their gender;
- 10 e) Whether, as a result of the above-referenced unlawful conduct, Defendant's Gender-Based
11 Pricing Promotion constituted an unlawful or unfair business practice under the Unfair
12 Competition Law as provided under Business and Professions Code section 17200 et seq.

13 24. There is a well defined community of interest regarding the questions of law and fact
14 involved in the parties to be represented. Plaintiff Long's claims are typical of the claims of the
15 absent members of the Men's Class. The claims fairly encompass the claims of the absent members
16 of the Men's Class. Plaintiff Long and the absent members of the Men's Class are similarly situated
17 and identically harmed by the same course of unlawful conduct alleged herein. A class action is
18 superior to other methods for the fair and efficient adjudication of this controversy. Defendants'
19 practices are common to all members of the Men's Class and judicial economy is not served by
20 multiple actions with duplicative and repetitive testimony.

21 25. Plaintiff Long is aware of no difficulty that will be encountered in the management
22 of this litigation that would preclude its maintenance as a class action.

23 26. Plaintiff Long and his counsel will fairly and adequately protect the interests of the
24 absent members of the Men's Class. There are no material conflicts between Plaintiff Long's claims
25 and those of the absent members of the Men's Class that would make class certification
26 inappropriate. Plaintiff has retained counsel who are competent and experienced in class action
27 litigation who will vigorously assert class representative's claims and those of the absent members of
28 the Men's Class. Plaintiff's counsel further has substantial experience pursuing civil rights claims

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1 pursuant to the Unruh Civil Rights Act and the Gender Tax Repeal Act of 1995.

2 27. Plaintiff is entitled to an award of reasonable attorneys' fees and costs in prosecuting
3 this action against Defendants pursuant to Civil Code section 52 and Code of Civil Procedure section
4 1021.5.

5 **FIRST CAUSE OF ACTION**

6 **Discriminatory Business Practices in Violation of the Unruh Civil Rights Act**

7 (Civil Code § 51 et seq.)

8 **AGAINST ALL DEFENDANTS AND DOES 1-500**

9 28. Plaintiff incorporates into this cause of action the allegations contained in each and
10 every preceding paragraph of this complaint as if the same were set out at length herein.

11 29. By virtue of their conduct alleged herein, Defendants, and each of them,
12 intentionally discriminated against DAVID LONG, JR. solely on the basis of his gender as
13 proscribed by the Unruh Civil Rights Act, codified in Civil Code section 51 et seq.

14 30. By their conduct, Defendants, and each of them, caused Plaintiff to sustain damages.

15 31. Said discrimination renders Defendants, and each of them, liable to Plaintiff Long
16 and the absent members of the Men's Class "for each and every offense for the actual damages, and
17 any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of
18 three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and
19 any attorneys' fees that may be determined by the court in addition thereto...." (Civ. Code, § 52,
20 subd. (a).)

21 32. Said discrimination further renders Defendants, and each of them, subject to
22 injunctive relief.

23 33. Any remedy or relief awarded Plaintiff or the absent members of the Men's Class as
24 a result of Defendants' liability for violations of the Unruh Civil Rights Act is "independent of any
25 other actions, remedies, or procedures that may be available to an aggrieved party pursuant to any
26 other law." (Civ. Code, § 52, subd. (e).)

27 ///

28 ///

SECOND CAUSE OF ACTION**Discriminatory Business Practices in Violation of Civil Code section 51.5****AGAINST ALL DEFENDANTS AND DOES 1-500**

34. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

35. By virtue of their conduct alleged herein, Defendants, and each of them, intentionally discriminated against Plaintiff DAVID LONG, JR., and each of the absent members of the men's class, on the basis of his gender as proscribed by Civil Code section 51.5.

36. By their conduct, Defendants, and each of them, caused Plaintiff and the absent members of the Men's Class to sustain damages.

37. Said discrimination renders Defendants, and each of them, liable to Plaintiff Long and the absent members of the Men's Class "for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorney's fees that may be determined by the court in addition thereto...." (Civ. Code, § 52, subd. (a).)

38. Said discrimination further renders Defendants, and each of them, subject to injunctive relief.

39. Any remedy or relief awarded Plaintiff or the absent members of the Men's Class as a result of Defendants' liability for violations of Civil Code section 51.5 is "independent of any other actions, remedies, or procedures that may be available to an aggrieved party pursuant to any other law." (Civ. Code, § 52, subd. (e).)

THIRD CAUSE OF ACTION**Discriminatory Business Practices in Violation of the Gender Tax Repeal Act of 1995****(Civil Code § 51.6 et seq.)****AGAINST ALL DEFENDANTS AND DOES 1-500**

40. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

41. By virtue of their conduct alleged herein, Defendants, and each of them, intentionally discriminated against DAVID LONG, JR. solely on the basis of his gender as proscribed by the Gender Tax Repeal Act of 1995, Civil Code section 51.6 et seq.

42. By their conduct, Defendants, and each of them, caused Plaintiff Long and the absent members of the Men's Class to sustain damages.

43. Said discrimination renders Defendants, and each of them, liable to Plaintiff Long and the absent members of the Men's Class "for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000), and any attorneys' fees that may be determined by the court in addition thereto...." (Civ. Code, § 52, subd. (a).)

44. Said discrimination further renders Defendants, and each of them, subject to injunctive relief.

45. Any remedy or relief awarded Plaintiff or the absent members of the Men's Class as a result of Defendants' liability for violations of the Gender Tax Repeal Act of 1995 is "independent of any other actions, remedies, or procedures that may be available to an aggrieved party pursuant to any other law." (Civ. Code, § 52, subd. (e).)

FOURTH CAUSE OF ACTION

Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law
 (Bus. & Prof. Code, § 17200 et seq. -- Unruh Civil Rights Act)

AGAINST ALL DEFENDANTS AND DOES 1-500

46. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

47. By virtue of their conduct alleged herein, Defendants, and each of them, engaged in acts of unfair competition as defined in Business and Professions Code section 17200, as follows:

- a) Each and every act of discrimination premised on the gender of Defendants' customers as set forth herein, and therefore in violation of the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), was unfair or unlawful or both.

48. Said violations render Defendants, and each of them, liable to Plaintiff Long individually, to the absent members of the Men's Class and to the general public upon whose behalf Plaintiff brings this action in a representative capacity for restitution or injunctive relief or both. (Bus. & Prof. Code, § 17204.)

49. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or the general public as a result of defendants' liability for violations of the Unfair Competition Law is "cumulative to each other and to the remedies or penalties available under all other laws of this state." (Bus. & Prof. Code, § 17205.)

FIFTH CAUSE OF ACTION

Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law
 (Bus. & Prof. Code, § 17200 et seq. -- Civil Code § 51.5)

AGAINST ALL DEFENDANTS AND DOES 1-500

50. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

51. By virtue of their conduct alleged herein, Defendants, and each of them, engaged in acts of unfair competition as defined in Business and Professions Code section 17200, as follows:

52. Each and every act of discrimination premised on the gender of Defendants' customers as set forth herein, and therefore in violation of Civil Code section 51.5, was unfair or unlawful or both;

53. Said violations render Defendants liable to Plaintiff Long individually, to the absent members of the Men's Class and to the general public upon whose behalf plaintiff brings this action in a representative capacity for restitution or injunctive relief or both. (Bus. & Prof. Code, § 17204.)

54. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or the general public as a result of Defendants' liability for violations of the Unfair Competition Law is "cumulative to each other and to the remedies or penalties available under all other laws of this state." (Bus. & Prof. Code, § 17205.)

///

///

SIXTH CAUSE OF ACTION

**Unfair, Deceptive or Unlawful Business Practices in Violation of the Unfair Competition Law
 (Bus. & Prof. Code, § 17200 et seq. – Gender Tax Repeal Act)
 AGAINST ALL DEFENDANTS AND DOES 1-500**

55. Plaintiff incorporates into this cause of action the allegations contained in each and every preceding paragraph of this complaint as if the same were set out at length herein.

56. By virtue of their conduct alleged herein, Defendants, and each of them, engaged in acts of unfair competition as defined in Business and Professions Code section 17200, as follows:

- a) Each and every act of discrimination premised on the gender of Defendants' patrons and potential patrons as set forth herein, and therefore in violation of the Gender Tax Repeal Act of 1995 (Civ. Code, § 51.6 et seq.), was unfair or unlawful or both.

57. Said violations render Defendants, and each of them, liable to Plaintiff Long individually, to the absent members of the Men's Class and to the general public upon whose behalf Plaintiff brings this action in a representative capacity for restitution or injunctive relief or both. (Bus. & Prof. Code, § 17204.)

58. Any remedy or relief awarded Plaintiff, the absent members of the Men's Class or the general public as a result of Defendants' liability for violations of the Unfair Competition Law is "cumulative to each other and to the remedies or penalties available under all other laws of this state." (Bus. & Prof. Code, § 17205.)

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court:

1. Award Plaintiff and the absent members of the Men's Class actual damages according to proof or as otherwise required by statute;
2. Award Plaintiff and the absent members of the Men's Class statutorily mandated exemplary damages according to proof or as otherwise required by statute;
3. Permanently enjoin Defendants, and each of them, from engaging in discriminatory practices in violation of the Unruh Civil Rights Act, Civil Code section 51;
4. Award Plaintiff and the absent members of the Men's Class their attorneys' fees according to

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1 proof or as required and/or permitted by statute including, but not limited to, sections 52 of
2 the Civil Code and 1021.5 of the Code of Civil Procedure;

3 5. Award Plaintiff and the absent members of the Men's Class their costs; and

4 6. Grant such other and further relief as the Court deems just and proper, including without
5 limitation, the complete disgorgement of all ill-gotten gains according to proof or as
6 otherwise required by statute.


7 **JURY TRIAL DEMANDED**

8 Plaintiff requests a jury trial in this matter and agrees to pay all fees and costs associated
9 therewith which are chargeable to him at the appropriate time.

10 Respectfully submitted.

11 Dated: February 24, 2011

12 **FULLER JENKINS**

13 
14 By: **ERIK C. JENKINS, ESQ.**
15 Attorneys for Plaintiff

16
17
18
19
20
21 associated

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DAVID LONG, JR. vs. PLAYBOY ENTERPRISES INTERNATIONAL, INC.
CASE NO. BC 454001

Exhibit "1"


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EXHIBIT E

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ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 10 2011

John A. Clarke, Executive Officer/Clerk
BY Mary Flores, Deputy

JOHN P. LeCRONE (State Bar No. 115875)
johnlecrone@dwt.com
CAMILO ECHAVARRIA (State Bar No. 192481)
camiloechavarria@dwt.com
DAVIS WRIGHT TREMAINE LLP
865 South Figueroa Street, 24th Floor
Los Angeles, California 90017-2566
Telephone: (213) 633-6800
Fax: (213) 633-6899

Attorneys for Defendant
PLAYBOY ENTERPRISES INTERNATIONAL, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DIVISION

DAVID LONG, JR., an individual suing on
behalf of himself, all those similarly situated
and the general public,

Plaintiff,

vs.

PLAYBOY ENTERPRISES
INTERNATIONAL, INC. and DOES 1
through 500

Defendants.

Case No. BC454001

**DEFENDANT'S ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Assigned to the Hon. Robert L. Hess
Dept. 24

Action Filed: January 31, 2011

COPY

Defendant Playboy Enterprises International, Inc. ("PEII"), answering for itself and no others, responds to the unverified First Amended Complaint ("Complaint") of plaintiff David Long, Jr. ("Plaintiff") as follows:

GENERAL DENIAL

1. Pursuant to California Code of Civil Procedure § 431.30(d), PEII denies, generally and specifically, each and every allegation contained in Plaintiff's Complaint and each and every cause of action therein.

2. PEII further denies that Plaintiff, and the putative class, has sustained any injury, damage or loss by reason of any act or omission on the part of PEII, and specifically denies that Plaintiff, and the putative class, suffered any of the damages alleged in the Complaint.

3. PEII further denies that Plaintiff, and the putative class, is entitled to any relief against PEII on any ground whatsoever, and denies that Plaintiff, and the putative class, is entitled to damages against PEII in any amount.

AFFIRMATIVE AND OTHER DEFENSES

4. Having fully answered the allegations in the Complaint, PEII asserts the following additional and other affirmative defenses as to each and every cause of action of the Complaint. In so doing, PEII does not allege or admit that it has the burden of proof and/or persuasion with respect to any of these matters.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim – All Causes of Action)

5. Plaintiff's claims, and those of the purported class, are barred, in whole or in part, because the Complaint fails to state facts sufficient to constitute a cause of action or to state a claim upon which relief may be granted against PEII.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

6. The Complaint, and each and every cause of action therein, is barred by the applicable statute(s) of limitations.

THIRD AFFIRMATIVE DEFENSE

(Unclean Hands – All Causes of Action)

7. Plaintiff's Complaint, and each purported cause of action therein, is barred pursuant to the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

(Laches – All Causes of Action)

8. Plaintiff's Complaint, and each purported cause of action therein, is barred pursuant to the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

(Estoppel/Wavier – All Causes of Action)

9. Plaintiff has waived and is estopped by his own acts or omissions from recovery against PEII for the alleged loss, injury or damage suffered by him, if any.

SIXTH AFFIRMATIVE DEFENSE

(Lack of Justifiable Reliance – All Causes of Action)

10. Plaintiff is barred from asserting each and every purported cause of action set forth in the Complaint because he did not justifiably or detrimentally rely on any communication, conduct or omission of PEII.

SEVENTH AFFIRMATIVE DEFENSE

(Fault of Plaintiffs, the Putative Class or Third Parties – All Causes of Action)

11. If Plaintiff, and the purported class, sustained any damages, which PEII denies, such damages were proximately caused or contributed to, in whole or in part, by the acts, omissions, culpable conduct, lack of due diligence, negligence, misconduct, and/or bad faith of Plaintiff, the putative class, and/or third parties, or, Plaintiff, the putative class and/or third parties otherwise were at fault. Plaintiff, and the putative class, is therefore not entitled to any relief under the Complaint or under any cause of action purported to be alleged against PEII therein, or recovery, if any, should thereby be reduced in proportion to such fault.

EIGHTH AFFIRMATIVE DEFENSE**(Avoidable Consequences – All Causes of Action)**

12. Plaintiff is barred from asserting each and every purported cause of action set forth in the Complaint by the doctrine of avoidable consequences.

NINTH AFFIRMATIVE DEFENSE**(Standing -- All Causes of Action)**

13. Plaintiff's claims, and those of the purported class, are barred, in whole or in part, because Plaintiff lacks standing to assert the causes of action alleged in the Complaint, either individually or in a representative capacity, including but not limited to the fact that Plaintiff has no injury in fact, has not lost money or property as a result of the action of PEII, did not tender any money to PEII for any of the goods or services alleged in the Complaint, and were not charged by PEII for any of the goods or services alleged in the Complaint.

TENTH AFFIRMATIVE DEFENSE**(Underlying Conduct Not Wrongful – UCL Causes Of Action)**

14. The Complaint's UCL causes of action are barred because PEII has not committed any act with respect to the matters alleged in the Complaint that is "unlawful," "unfair" or "fraudulent" within the meaning of these statutes. PEII did not engage in unfair conduct by discriminating between men and women, nor did it deny any advantages, privileges and/or services to either gender.

ELEVENTH AFFIRMATIVE DEFENSE**(Non-Restitutionary Disgorgement of Profits – UCL Cause Of Action)**

15. Plaintiff is not entitled to obtain non-restitutionary disgorgement of profits from PEII for alleged violations of the UCL, as such a recovery is not available under the statute. *See Madrid v. Perot Sys. Corp.* (2005) 130 Cal.App.4th 440, 459-462; *Feitelberg v. Credit Suisse First Boston, LLC* (2005) 134 Cal.App.4th 997,1004; *Alch v. Sup. Ct.* (2004) 122 Cal.App.4th 339, 407 n.79.

TWELFTH AFFIRMATIVE DEFENSE**(Independent, Intervening Conduct)**

16. Plaintiff and any person he purports to represent, is barred from recovery in that any damage sustained by Plaintiff, and any person he purports to represent, was the direct and proximate result of the independent, intervening, negligent and unlawful conduct of independent third parties or their agents, and not any act or omission on the part of Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE**(Apportionment)**

17. Defendant denies any legal responsibility for the harm alleged in the Complaint; however, to the extent that Defendant is found to be legally responsible, Defendants' legal responsibility is not the sole and proximate cause of the injuries alleged in the Complaint, and any amounts awarded are to be apportioned in accordance with the fault and legal responsibility, if any, of all parties, persons and entities who contributed to and/or caused said harm.

FOURTEENTH AFFIRMATIVE DEFENSE**(Adequate Remedies -- All Causes of Action)**

18. Plaintiff is barred from asserting the request for equitable relief alleged because Plaintiff has adequate remedies at law, the requested relief is merely a disguised attempt at seeking damages, and/or the equitable relief, including injunctive relief, is neither necessary, proper or available because, for example, Plaintiff, and the putative class, cannot obtain injunctive relief based on past conduct.

FIFTEENTH AFFIRMATIVE DEFENSE**(No Risk of Substantial Prejudice -- All Causes Of Action)**

19. This action is not properly maintainable as a class action because there is little to no risk of substantial prejudice that each putative class member will file a separate lawsuit and, accordingly, there is little to no risk of inconsistent standards of adjudication and there is little to no risk that separate lawsuits would somehow impair the interests of other alleged putative class members. Upon information and belief, there are few, if any, potential lawsuits in existence over

1 the "White Party." Other than this lawsuit, PEII has not received any other claim or threat of
 2 claim related to the "White Party."

3 **SIXTEENTH AFFIRMATIVE DEFENSE**

4 **(Inadequate Class Representative -- All Causes Of Action)**

5 20. This action is not properly maintainable as a class action, because Plaintiff's claims
 6 or defenses are unique to Plaintiff and/or Plaintiff is not capable of adequately representing the
 7 putative class.

8 **SEVENTEENTH AFFIRMATIVE DEFENSE**

9 **(Class Action Not Proper -- All Causes Of Action)**

10 21. This action is not properly maintainable as a class action, because Plaintiff cannot
 11 establish all the elements necessary for class certification in that, among other things, the putative
 12 class is not ascertainable, there does not exist a well-defined community of interest as to the
 13 questions of law and fact involved, and the putative class is sufficiently manageable without
 14 implementing the class action mechanism and, therefore, it is not the superior method for
 15 adjudicating this dispute.

16 **EIGHTEENTH AFFIRMATIVE DEFENSE**

17 **(Failure to Mitigate Damages -- All Causes Of Action)**

18 22. While PEII denies that Plaintiff, and the putative class, has been damaged in any
 19 way, if it should be determined that Plaintiff, and the putative class, has suffered legally
 20 recognizable damages, such damages must be reduced or denied in their entirety to the extent that
 21 Plaintiff, and the putative class, failed to take reasonable action to mitigate or minimize their
 22 alleged damages.

23 **NINETEENTH AFFIRMATIVE DEFENSE**

24 **(Additional Affirmative Defenses)**

25 23. PEII presently has insufficient knowledge or information upon which to form a
 26 belief as to whether it may have additional, as yet unstated, affirmative defenses available. PEII
 27 reserves the right to assert additional affirmative defenses in the event discovery indicates that
 28 they would be appropriate.

PRAYER

WHEREFORE, PEII prays for judgment herein as follows:

1. That Plaintiff, and the putative class, take nothing by way of the Complaint on file herein;
2. That the Complaint be dismissed with prejudice and judgment entered in favor of PEII;
3. That PEII be awarded its costs of suit; and
4. For such other and further relief as the Court deems just and proper.

DATED: March 10, 2011

DAVIS WRIGHT TREMAINE LLP
JOHN P. LeCRONE
CAMILO ECHAVARRIA

By: 

John P. LeCrone

Attorneys for Defendant
PLAYBOY ENTERPRISES INTERNATIONAL,
INC.

PROOF OF SERVICE BY OVERNIGHT EXPRESS

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566. I am familiar with the practice at my place of business for collection and processing of correspondence for overnight delivery by Overnight Express. Such correspondence will be deposited with a facility regularly maintained by Overnight Express for receipt on the next business day.

On March 10, 2011, I served the following document(s): **DEFENDANT'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** by placing a **true copy or original** in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Craig D. Fuller
Erik C. Jenkins
FULLER JENKINS
11975 El Camino Real, Suite 200
San Diego, CA 92130

and by sealing the envelope and placing it for collection and delivery by Overnight Express with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on March 10, 2011, at Los Angeles, California.

- ☒ State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- ☐ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Miriam Cardona
Print Name


Signature

EXHIBIT F

1 DAVIS WRIGHT TREMAINE LLP
2 JOHN P. LeCRONE (State Bar No. 115875)
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4 CAMILO ECHAVARRIA (State Bar No. 192481)
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8 Telephone: (213) 633-6800
9 Fax: (213) 633-6899

10 Attorneys for Defendant
11 Playboy Enterprises International, Inc.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 10 2011

John A. Clarke, Executive Officer/Clerk
BY M. Flores Deputy
Mary Flores

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 FOR THE COUNTY OF LOS ANGELES

11 DAVID LONG, JR., on behalf of himself and
12 all others similarly situated,

13 Plaintiff,

14 vs.

15 PLAYBOY ENTERPRISES
16 INTERNATIONAL, INC. AND DOES 1
through 500,

17 Defendants.

Case No. BC454001

DEFENDANT PLAYBOY ENTERPRISES
INTERNATIONAL, INC.'S RESPONSE
AND OBJECTIONS TO PLAINTIFF'S
NOTICE OF RELATED CASE

[CRC 3.300]

Assigned to Hon. Robert L. Hess
Dept. 24

Action Filed: January 31, 2011

Defendant Playboy Enterprises International, Inc. ("PEII") submits this response and objection to Plaintiff's Amended Notice of Related Case filed February 25, 2011. Plaintiff David Long Jr. ("Plaintiff") seeks to relate the instant class action to a class action filed in the San Diego Superior Court -- *Long Jr. v. Café Sevilla*, Case. No. 37-2008-00082140-CU-CR-CTL ("Sevilla"). However, *Sevilla* does not meet the requirements of California Rules of Court ("CRC") Rule 3.300 for related cases. As explained below, there is no good cause for the court to order this case related to *Sevilla*.

Plaintiff's Amended Notice of Related Case indicates that these cases should be related because they "involve the same parties and are based on the same or similar claims." However, *Sevilla* and the instant case do not involve the same parties and do not meet the requirements set forth in the CRC.

First, under CRC 3.300(a)(1), cases may be related if they "involve the same parties..." These two cases, however, do not involve the same parties at all. Case No. 37-2008-00082140-CU-CR-CTL was brought in the San Diego Superior Court by Plaintiff Luciano Alexandre on behalf of a putative class against defendants MEC Networks, Inc. and Café Sevilla. Later in that case, Plaintiff's counsel was successful in relating the *Alexandre* case to another class action brought in San Diego Superior Court by Plaintiff David Long Jr. against the *same* Defendants -- MEC Networks, Inc. and Café Sevilla -- neither of which is a Defendant in the instant action. By contrast, this case involves only Plaintiff, David Long, Jr.¹ and PEII. Since these cases do not involve the same parties, *Sevilla* is not related to the instant case under CRC 3.300(a)(1).

Second, under CRC 3.300(a)(4), cases may be deemed related only if they are likely to require "substantial duplication of judicial resources if heard by different judges." According to

¹ Plaintiff's counsel has a practice of attempting to relate cases with different plaintiffs and involving entirely different alleged discriminatory events to each other. Similar to this case, in *Betram Riddick v. Royal Caribbean Cruises LTD* ("Betram"), Case No. BC394335, Plaintiff's counsel attempted to relate the *Betram* case to a completely different case, *Rava v. Bear Valley Mountain Resort, Inc. et al*, Case No. BC312394. In that case, Judge Anthony Mohr found that the cases were not related within the meaning of Los Angeles Superior Court Rule 7.3(f). (See Order of Court Denying Plaintiff's Notice of Related Case, attached as Exhibit 1 to Request for Judicial Notice.)

1 the docket for the San Diego Superior Court and Plaintiff's Amended Notice, the *Sevilla* case was
 2 "disposed of by judgment" and dismissed with prejudice on February 2, 2010. (*See* Register of
 3 Action, attached as Exhibit 2 to Request for Judicial Notice.)

4 Even if the *Sevilla* case were active, the two cases contain no factual similarities and thus
 5 this case will require the same amount of judicial resources regardless of whether this case is in
 6 front of the same Judge that adjudicated *Sevilla*. This case involves Plaintiff's claim that he and
 7 other "males in California" were wrongfully denied equal pricing for the purchase of an
 8 admission ticket for a "White Party" Breast Cancer fundraiser held on May 23, 2009 at the
 9 Playboy Mansion in Los Angeles. *Sevilla*, by contrast, involved an alleged promotion that
 10 allowed female customers a free or reduced price to regular "Blazin' Friday events" at a San
 11 Diego establishment called Café Sevilla if they entered before 10:30 p.m. The Blazin' Friday
 12 events were not held at the Playboy Mansion and bear no relationship to the Playboy Mansion or
 13 PEII, which was not involved in any way in the Blazin' Friday events. The alleged discriminatory
 14 activities in each instance were very different.

15 Furthermore, even though each case contains allegations of certain violations of the Unruh
 16 Act, the application of the statute to this case and to the *Sevilla* case will be drastically different.
 17 Each case involves entirely different events, dates, and locations specific to each set of allegations
 18 that will require a completely separate analysis and would severely complicate and confuse any
 19 trial. Also, the nature of the alleged transactions are specific to each case – i.e., the alleged
 20 ongoing "Blazin' Fridays" events versus the alleged promotion of a "White Party" charitable
 21 event held at the Playboy Mansion.

22 *Third*, the other bases for finding that the cases are related do not apply to *Sevilla* and the
 23 instant case. CRC 3.300(a)(2) states that cases may be related if they "arise from the same or
 24 substantially identical transactions, incidents, or events requiring determination of the same or
 25 substantially identical questions of law or fact." Here, as stated above, the alleged discriminatory
 26 entrance fee for a promotional event in *Sevilla*, featuring "hip hop" and reggaeton music held at
 27 Sevilla nightclub in San Diego every Friday is completely different from a one-time "White
 28 Party" benefiting breast cancer awareness.

1 *Fourth*, since the *Sevilla* case has been dismissed, this case is the only case that is still
 2 pending. Also, the *Sevilla* case arose out of events that allegedly occurred in San Diego and was a
 3 case adjudicated in San Diego Superior Court. Here, all of the alleged actions took place in Los
 4 Angeles County. Therefore, there is no reason for this case to be potentially heard in San Diego
 5 Superior Court.

6 *Finally*, CRC 3.300(a)(3) states that cases may be related if they "[i]nvolve claims against,
 7 title to, possession of, or damages to the same property." This case does not involve such
 8 property claims.

9 As shown above, other than the fact these cases allege Unruh Act violations, the two cases
 10 could not be more different. Therefore, PEII respectfully submits that this case is not related to
 11 *Sevilla* within the meaning of the CRC and that therefore, no good cause exists to transfer the case
 12 from department 324.

13
 14 DATED: March 10, 2011

DAVIS WRIGHT TREMAINE LLP
 JOHN P. LeCRONE
 CAMILO ECHAVARRIA

15
 16
 17 By: 

John LeCrone

18 Attorneys for Defendant
 19 Playboy Enterprises International, Inc.
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PROOF OF SERVICE BY OVERNIGHT EXPRESS

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566. I am familiar with the practice at my place of business for collection and processing of correspondence for overnight delivery by Overnight Express. Such correspondence will be deposited with a facility regularly maintained by Overnight Express for receipt on the next business day.

On March 10, 2011, I served the following document(s): **DEFENDANT'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** by placing a **true copy or original** in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Craig D. Fuller
Erik C. Jenkins
FULLER JENKINS
11975 El Camino Real, Suite 200
San Diego, CA 92130

and by sealing the envelope and placing it for collection and delivery by Overnight Express with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on March 10, 2011, at Los Angeles, California.

- ☒ State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- ☐ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Miriam Cardona

Print Name



Signature

EXHIBIT G

1 JOHN P. LeCRONE (State Bar No. 115875)
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6 Attorneys for Defendant
PLAYBOY ENTERPRISES INTERNATIONAL, INC.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 10 2011

John A. Clarke, Executive Officer/Clerk
BY M. Flores, Deputy
Mary Flores

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES, CENTRAL DIVISION

11 DAVID LONG, JR., an individual suing on
behalf of himself, all those similarly situated
12 and the general public,

13 Plaintiff,

14 vs.

15 PLAYBOY ENTERPRISES
INTERNATIONAL, INC. and DOES 1
16 through 500

17 Defendants.

Case No. BC454001

18 **REQUEST FOR JUDICIAL NOTICE IN**
SUPPORT OF DEFENDANT'S
RESPONSE AND OBJECTIONS TO
PLAINTIFF'S NOTICE OF RELATED
CASE

Assigned to the Hon. Robert L. Hess
Dept. 24

Action Filed: January 31, 2011

COPY

1 PLEASE TAKE NOTICE that Defendant Playboy Enterprises International, Inc. hereby
2 requests this Court take judicial notice, pursuant to California Evidence Code Section 452, of the
3 following documents, true and correct of which are attached to this Notice:

4 1. Document entitled "Court's Order re: Related Cases" in the matter of *Bertram*
5 *Riddick v. Royal Caribbean Cruises LTD ET*, Los Angeles Superior Court, Case No. BC394335
6 (2008), attached as Exhibit 1.

7 2. Register of Action in the matter of *Luciano Alexander v. MEC Network, Inc.*, Case
8 No. 37-2008-00082140-CU-CR-CTL, attached as Exhibit 2.

9
10 DATED: March 10, 2011

DAVIS WRIGHT TREMAINE LLP
JOHN P. LeCRONE
CAMILO ECHAVARRIA

11
12
13
14 By: 

John P. LeCrone

15 Attorneys for Defendant
16 PLAYBOY ENTERPRISES INTERNATIONAL,
17 INC.
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Exhibit 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 09/19/08

DEPT. 309

HONORABLE Anthony J. Mohr

JUDGE

M. CERVANTES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

M. RODRIGUEZ, Courtroom Assistant

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

BC394335

Plaintiff

BERTRAM RIDDICK

Counsel

VS

Defendant

ROYAL CARIBBEAN CRUISES LTD ET

Counsel

NO APPEARANCES

NATURE OF PROCEEDINGS:

COURT'S ORDER RE: RELATED CASES

The Court finds that the following cases BC394335 and BC312394 are not related cases within the meaning of Los Angeles Superior Court Local Rule 7.3(f).

Moving party is to give notice to all parties.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 09/19/08 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: September 23, 2008

John A. Clarke, Executive Officer/Clerk

By:

M. Cervantes, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 09/19/08

HONORABLE Anthony J. Mohr

JUDGE

M. CERVANTES

DEPT. 309

HONORABLE

JUDGE PRO TEM

M. RODRIGUEZ, Courtroom Assistant
DEPUTY CLERK
ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

BC394335

Plaintiff

BERTRAM RIDDICK

Counsel

VS

Defendant

ROYAL CARIBBEAN CRUISES LTD ET

Counsel

NO APPEARANCES

NATURE OF PROCEEDINGS:

Craig D. Fuller
Erik C. Jenkins
FULLER JENKINS
4250 Executive Square, Suite 555
La Jolla, California 92037

Exhibit 2



Superior Court of California, County of San Diego

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THE ENTRY DATE ON THE REGISTER OF ACTIONS MAY NOT ALWAYS REFLECT THE ACTUAL FILING DATE OF A DOCUMENT AND NOT ALL DOCUMENTS FILED WITH THE COURT ARE LISTED ON THE REGISTER OF ACTIONS. IT IS RECOMMENDED THAT USERS REFER TO THE CASE FILE FOR CONFIRMATION.

Case Number: 37-2008-00082140-CU-CR-CTL Date Filed: 04/17/2008
Case Title: Luciano Alexandre vs. MEC Network Inc Case Status: Dismissed
Case Category: Civil - Unlimited Location: Central
Case Type: Civil Rights Judicial Officer: Yuri Hofmann
Case Age: 593 days Department:
Next Event Type: Next Event Date:

Display: [All Entries](#) [Filing Information Only](#) [Scheduling Information Only](#)

Entry Date	Short/Long Entry	Filed By
02/09/2010	Proof of Service (Request for dismissal) submitted by Long, David Jr rejected on 02/09/2010.	Long, David (Plaintiff)
02/02/2010	Miscellaneous Minute Order Finalized.	
02/02/2010	Court ordered entire action dismissed without prejudice.	
01/29/2010	Request for Dismissal with Prejudice - Entire Action filed by Long, David Jr.	Long, David (Plaintiff)
01/29/2010	Proof of Service (Request for Dismissal) filed by Long, David Jr.	Long, David (Plaintiff)
01/13/2010	Request for Dismissal with Prejudice - Entire Action submitted by Cafe Sevilla Inc rejected on 01/13/2010.	Cafe Sevilla Inc (Cross - Complainant)
01/12/2010	Request for Dismissal with Prejudice - Entire Action submitted by Long, David Jr rejected on 01/12/2010.	Long, David (Plaintiff)
01/12/2010	Complaint dismissed as to Surrey, Steven with disposition of Request for Dismissal.	
01/12/2010	Complaint dismissed as to Weaver, Terry with disposition of Request for Dismissal.	
01/12/2010	Complaint dismissed as to Pacheco, Dave with disposition of Request for Dismissal.	
01/12/2010	Complaint dismissed as to More Enterprises Communications Network, Inc. with disposition of Request for Dismissal.	
01/12/2010	Complaint dismissed as to Cafe Sevilla, Inc. with disposition of Request for Dismissal.	
01/12/2010	Request for Dismissal (WITH PREJUDICE AS TO COMPLAINT) filed by Pacheco, Dave; Weaver, Terry; Surrey, Steven.	Pacheco, Dave (Plaintiff); Surrey, Steven (Plaintiff); Weaver, Terry (Plaintiff)
01/11/2010	Request for Dismissal with Prejudice - Entire Action submitted by Alexandre, Luciano rejected on 01/11/2010.	Alexandre, Luciano (Plaintiff)
12/01/2009	Civil Jury Trial scheduled for 12/04/2009 at 09:00:00 AM at Central in C-60 Yuri Hofmann was vacated.	
11/30/2009	Notice of Conditional Settlement filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)

11/20/2009	Minutes finalized for Trial Readiness Conference (Civil) heard 11/20/2009 09:30:00 AM.	
11/20/2009	Joint Trial Readiness Conference Report filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
11/20/2009	Advance Trial Review Order filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
10/07/2009	Motion Hearing (Civil) scheduled for 10/09/2009 at 10:30:00 AM at Central in C-60 Yuri Hofmann was vacated.	
09/23/2009	Motion Hearing (Civil) scheduled for 10/09/2009 at 10:30:00 AM at Central in C-60 Yuri Hofmann.	
09/23/2009	Motion Hearing (Civil) rescheduled to 10/09/2009 at 10:30:00 AM in C-60 before Yuri Hofmann at Central.	
08/13/2009	Proof of Service by Mail - Petition filed by Long, David Jr.	Long, David (Plaintiff)
08/13/2009	Proof of Service by Mail - Petition filed by Long, David Jr.	Long, David (Plaintiff)
08/13/2009	Proof of Service by Mail - Petition filed by Long, David Jr.	Long, David (Plaintiff)
08/13/2009	Proof of Service by Mail - Petition filed by Long, David Jr.	Long, David (Plaintiff)
07/21/2009	Amendment to Complaint (Correcting Defendants name) filed by Pacheco, Dave; Weaver, Terry; Surrey, Steven.	Pacheco, Dave (Plaintiff); Surrey, Steven (Plaintiff); Weaver, Terry (Plaintiff)
06/25/2009	Notice - Other (NOTICE OF CONTINUANCE OF HEARING OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL (set for 09/25/09 10:30 am)) filed by MEC Network Inc.	MEC Network Inc (Defendant)
06/25/2009	Notice - Other (of continuance of hearing of motion and motion to be relieved as counsel) submitted by MEC Network Inc rejected on 06/24/2009.	MEC Network Inc (Defendant)
06/25/2009	Status of Mediation process changed to Not settled at hearing on 03/13/2009.	
06/24/2009	Notice - Other (of continuance of hearing of motion and motion to be relieved as counsel) filed by MEC Network Inc.	MEC Network Inc (Defendant)
06/23/2009	Motion Hearing (Civil) scheduled for 09/25/2009 at 10:30:00 AM at Central in C-60 Yuri Hofmann.	
06/23/2009	Motion Hearing (Civil) rescheduled to 09/25/2009 at 10:30:00 AM in C-60 before Yuri Hofmann at Central.	
06/17/2009	Amendment to Complaint (Correcting name of Defendant to More Enterprises Communication Network, Inc.) filed by Long, David Jr.	Long, David (Plaintiff)
06/17/2009	Complaint dismissed as to MEC Network Inc with disposition of Dismissed.	
06/12/2009	Stipulation - Other - Fee Due (Stipulation and Order to Continue Trial and All Related Dates) filed by More Enterprises Communication Network, Inc.; Alexandre, Luciano; Long, David Jr; Pacheco, Dave; Cafe Sevilla, Inc..	Alexandre, Luciano (Plaintiff); Cafe Sevilla Inc (Defendant); Long, David (Plaintiff); More Enterprises Communication Network Inc (Defendant); Pacheco, Dave (Plaintiff)
06/09/2009	Amendment to Complaint filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
06/08/2009	Motion to Be Relieved as Counsel of Record (and supporting documents) filed by MEC Network Inc.	More Enterprises Communication Network Inc (Defendant)
06/05/2009	Statement of Agreement/Nonagreement - nonagreement filed by KRUIS, STEVEN.	KRUIS, STEVEN (Mediator)
06/04/2009	Motion Hearing (Civil) scheduled for 06/26/2009 at 10:30:00 AM at Central in C-60 Yuri Hofmann.	
03/17/2009	Trial Readiness Conference (Civil) scheduled for 08/07/2009 at 09:30:00 AM at Central in C-60 Yuri Hofmann.	
03/17/2009	Civil Jury Trial scheduled for 08/21/2009 at 09:00:00 AM at Central in C-60 Yuri Hofmann.	

03/17/2009	Cases consolidated on 03/16/2009. 37-2008-00082140-CU-CR-CTL is designated the lead case.	
03/16/2009	Minutes finalized for Civil Case Management Conference heard 03/13/2009 08:30:00 AM.	
03/16/2009	This matter is referred to Mediation Mediation per stipulation of parties.	
03/16/2009	Minutes finalized for OSC - Other heard 03/13/2009 08:30:00 AM.	
03/03/2009	Case Management Statement filed by Cafe Sevilla Inc.	Cafe Sevilla Inc (Cross - Complainant)
03/02/2009	Case Management Statement filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
02/27/2009	Case Management Statement filed by MEC Network Inc.	More Enterprises Communication Network Inc (Defendant)
01/13/2009	Civil Case Management Conference scheduled for 03/13/2009 at 08:30:00 AM at Central in C-60 Yuri Hofmann.	
01/13/2009	Civil Case Management Conference rescheduled to 03/13/2009 at 08:30:00 AM in C-60 before Yuri Hofmann at Central.	
01/12/2009	Motion Hearing (Civil) scheduled for 03/13/2009 at 08:30:00 AM at Central in C-60 Yuri Hofmann.	
01/12/2009	Minutes finalized for Civil Case Management Conference heard 01/09/2009 08:30:00 AM.	
01/12/2009	Minutes finalized for Civil Case Management Conference heard 01/09/2009 08:30:00 AM.	
01/12/2009	Civil Case Management Conference continued to 03/13/2009 at 08:30 AM before Yuri Hofmann.	
01/07/2009	Notice of Related Case filed by Pacheco, Dave; Weaver, Terry; Surrey, Steven.	Pacheco, Dave (Plaintiff); Surrey, Steven (Plaintiff); Weaver, Terry (Plaintiff)
12/30/2008	Case Management Statement filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
12/18/2008	Case Management Statement filed by MEC Network Inc.	MEC Network Inc (Defendant)
12/16/2008	Case Management Statement filed by Cafe Sevilla Inc.	Cafe Sevilla Inc (Cross - Complainant)
12/02/2008	Civil Case Management Conference scheduled for 01/09/2009 at 08:30:00 AM at Central in C-60 Yuri Hofmann.	
11/26/2008	Case reassigned to Yuri Hofmann effective 11/24/2008	
11/24/2008	Miscellaneous Minute Order Finalized.	
11/24/2008	Trial Readiness Conference (Civil) set for 04/03/2009 at 09:00 AM vacated.	
11/24/2008	Civil Jury Trial set for 04/17/2009 at 09:00 AM vacated.	
11/24/2008	Trial Readiness Conference (Civil) scheduled for 04/03/2009 at 09:00:00 AM at Central in C-75 Richard E. L. Strauss was vacated.	
11/24/2008	Civil Jury Trial scheduled for 04/17/2009 at 09:00:00 AM at Central in C-75 Richard E. L. Strauss was vacated.	
11/24/2008	Order - Other (ORDER OF RECUSAL) filed by Alexandre, Luciano; MEC Network Inc; Cafe Sevilla Inc.	Alexandre, Luciano (Plaintiff); Cafe Sevilla Inc (Cross - Complainant); MEC Network Inc (Defendant)
11/17/2008	Peremptory Challenge (Plaintiff's Statement of Disqualification because Judge is biased or prejudiced) filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
10/10/2008	Answer (Amended) filed by MEC Network Inc.	More Enterprises Communication Network

		Inc (Defendant)
10/09/2008	Trial Readiness Conference (Civil) scheduled for 04/03/2009 at 09:00:00 AM at Central in C-75 Richard E. L. Strauss.	
10/09/2008	Civil Jury Trial scheduled for 04/17/2009 at 09:00:00 AM at Central in C-75 Richard E. L. Strauss.	
10/08/2008	Minutes finalized for Civil Case Management Conference heard 10/03/2008 01:30:00 PM.	
10/08/2008	Jury demanded by plaintiff and defendant.	
10/08/2008	The Trial Readiness Conference (Civil) is scheduled for 04/03/2009 at 09:00 AM before Richard E. L. Strauss.	
10/08/2008	The Civil Jury Trial is scheduled for 04/17/2009 at 09:00 AM before Richard E. L. Strauss.	
10/03/2008	Minutes finalized for Demurrer / Motion to Strike heard 10/03/2008 01:30:00 PM.	
10/02/2008	Tentative Ruling for Demurrer / Motion to Strike published.	
09/26/2008	Demurrer / Motion to Strike scheduled for 10/03/2008 at 01:30:00 PM at Central in C-75 Richard E. L. Strauss was vacated.	
09/25/2008	Case Management Statement filed by Cafe Sevilla Inc.	Cafe Sevilla Inc (Cross - Complainant)
09/25/2008	Case Management Statement filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
09/23/2008	Amended Answer filed by Cafe Sevilla Inc.	Cafe Sevilla Inc (Cross - Complainant)
09/23/2008	Proof of Service filed by Cafe Sevilla, Incorporated.	Cafe Sevilla Incorporated (Defendant)
09/18/2008	Case Management Statement (DEFENDANT) filed by MEC Network Inc.	MEC Network Inc (Defendant)
09/08/2008	Opposition - Other (to Demurrer) filed by MEC Network Inc.	MEC Network Inc (Defendant)
09/04/2008	Civil Case Management Conference scheduled for 10/03/2008 at 01:30:00 PM at Central in C-75 Richard E. L. Strauss.	
08/27/2008	Notice of Change of Address / Telephone Number filed by MEC Network Inc.	MEC Network Inc (Defendant)
07/22/2008	Answer (To Cross-Complaint) filed by MEC Network Inc.	More Enterprises Communication Network Inc (Cross - Defendant)
06/27/2008	Notice and Acknowledgment of Receipt filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
06/24/2008	Memorandum of Points and Authorities filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
06/24/2008	Memorandum of Points and Authorities filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
06/24/2008	Demurrer filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
06/24/2008	Demurrer filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
06/23/2008	Demurrer / Motion to Strike scheduled for 10/03/2008 at 01:30:00 PM at Central in C-75 Richard E. L. Strauss.	
06/23/2008	Demurrer / Motion to Strike scheduled for 10/03/2008 at 01:30:00 PM at Central in C-75 Richard E. L. Strauss.	
06/16/2008	Cross-Complaint filed by Cafe Sevilla Inc.	Cafe Sevilla Inc (Cross - Complainant)
06/16/2008	Answer filed by Cafe Sevilla Inc.	Cafe Sevilla Inc (Defendant)

06/13/2008	Answer filed by MEC Network Inc.	More Enterprises Communication Network Inc (Defendant)
05/15/2008	Certificate of Service filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
04/25/2008	Amendment to Complaint (adding CAFE SEVILLA INCORPORATED) filed by Alexandre, Luciano.	Alexandre, Luciano (Plaintiff)
04/17/2008	Case assigned to Judicial Officer Strauss, Richard.	

Select Page to View: [1](#) [2](#) [3](#) Current Page: 1 [Top](#)

PROOF OF SERVICE BY OVERNIGHT EXPRESS

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566. I am familiar with the practice at my place of business for collection and processing of correspondence for overnight delivery by Overnight Express. Such correspondence will be deposited with a facility regularly maintained by Overnight Express for receipt on the next business day.

On March 10, 2011, I served the following document(s): **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S RESPONSE AND OBJECTIONS TO PLAINTIFF'S NOTICE OF RELATED CASE** by placing a **true copy or original** in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

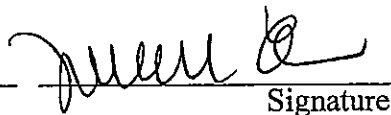
Craig D. Fuller
Erik C. Jenkins
FULLER JENKINS
11975 El Camino Real, Suite 200
San Diego, CA 92130

and by sealing the envelope and placing it for collection and delivery by Overnight Express with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on March 10, 2011, at Los Angeles, California.

- ☒ State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- ☐ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Miriam Cardona
Print Name


Signature

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV11- 2128 AHM (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) David Long, Jr.		DEFENDANTS Playboy Enterprises International, Inc.																									
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Erik C. Jenkins, Fuller Jenkins 11975 El Camino Real, Suite 200, San Diego, CA 92130 (858) 450-4050		Attorneys (If Known) John P. LeCrone & Camilo Echavarria Davis Wright Tremaine LLP 865 S. Figueroa, Suite 2400 Los Angeles, CA 90017-2566; (213) 633-6800																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="1" style="width:100%"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input checked="" type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input checked="" type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>			PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> MONEY DEMANDED IN COMPLAINT: \$ unspecified																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 28 USC Sections 1332, 1348, 1441, and 1446																											
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NATURE OF SUIT (Place an X in one box only.) <table border="1" style="width:100%"><thead><tr><th>OTHER STATUTES</th><th>CONTRACT</th><th>TORTS</th><th>TORTS</th><th>PRISONER</th><th>LABOR</th></tr></thead><tbody><tr><td><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																						

CV11-02128

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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff Long: Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Defendant Playboy Enterprises International, Inc.: Delaware & Illinois

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
All claims: Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

[Signature]

Date: 3/11/11

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))